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REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday January 4, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Gallegos, Toler, Siggins

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meeting of December 7, 1977 and December 14, 1977, the Commissioners approved the minutes of December 7, 1977, but continued the minutes of the meeting of December 14th, 1977 until they have had time to peruse same.

AYES: Commissioners Ciani, Gallegos, Toler, Siggins

FEB 22 1978

CHIEF'S REPORT TO THE POLICE COMMISSION

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Chief Gain: "Mr. President and members of the Commission, two items. One, we took certain action today in regard to the taxicab companies, specifically their insurance. If you want to discuss that, I have Lieutenant O'Donnell here to answer any questions or give an explanation of it."

Commissioner Siggins: "Fine."

Chief Gain: "You would like an explanation of what did occur?"

Commissioner Siggins: "Yes."

Lieutenant O'Donnell: "Commissioners, last Thursday, the 29th of December, we received a visit from a Mr. Paul Harvey who is an investigator with the State Insurance Commission, who related to us that he felt that there were certain discrepancies in the insurance held by the new Yellow Cab Co-op, and wished to speak to us further on it along with Mr. Steele from the Yellow Cab Co-op. So we set up a meeting which was held the next day on Friday. Initially, the question revolved on the fact of whether



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Yellow Cab had at least 26 cabs registered in the name of Yellow Cab Co-op, which is required by the Department of Motor Vehicles so they could be self-insured. This information was provided to them by Mr. Steele and the attorney for the Yellow Cab Co-op. Then Mr. Harvey raised the question of the Alliance Insurance Company which is located back East. He said that he couldn't find much information on the company and had serious doubts as to whether the insurance certificates that we had were valid. We don't have a copy of the policy itself, but just certificates indicating that a master policy is on file and these particular cabs are insured as is required by the Police Code. Mr. Harvey apparently looked into this matter and subsequently found that while Alliance Insurance is in fact a valid company, there was considerable doubt as to whether the insurance broker in Los Angeles with whom the Yellow Cab deals, was authorized to have that policy issued under their name. Thus far they have been operating under a teletype that indicated from the broker that this insurance company did, in fact, provide this coverage. So he spoke with the vice president of that company who said that this particular organization in Los Angeles, the LFC insurance brokers, were not authorized to issue that policy and therefore the insurance was not valid. We notified Mr. Steele from Yellow Cab, he had been on top of the situation and the people from LFC did, in fact, obtain additional insurance that did cover the new Yellow Cab Co-operative. So at this point, the new Yellow Cab is covered. However, we are receiving notifications in the mail that their insurance is to be cancelled within ten days, so they can operate through the 14th. They are presently operating on the street now. However, this Alliance Insurance Company from back East also insures Luxor, Veterans, DeSoto, and Rose, which numbers 264 cabs on the street." 10 5

Commissioner Siggins: "Pardon me Lieutenant, Mr. Lazar was just here. Was he not?"

Lieutenant O'Donnell: "Yes sir."

Commissioner Siggins: "He stepped out, maybe he could....."

Lieutenant O'Donnell: "Well, I was going to get to him Commissioner."

Commissioner Siggins: "I mean if we are going to discuss the meeting, he would rather be here."

Lieutenant O'Donnell: "Well he came in to serve me with a restraining order which I was getting to Commissioner."

Commissioner Siggins: "O.k. Go ahead."

Lieutenant O'Donnell: "We notified the cab companies that it was our information that the insurance was not valid, and therefore, they would have to pull the cabs off the street. Subsequently, Mr. Lazar and his associates obtained a restraining order from Judge Manis signed this evening against the insurance companies from cancelling those insurance policies for the next 15 days. So at the moment those cabs do have insurance as far as we are concerned up through the 14th. I have been notified that the Board of Supervisors are having an emergency meeting on Friday morning, presumably to issue a proclamation saying that because of the problem of getting insurance, that Section 1080 in the Police Code which relate to the insurance will either be suspended or cancelled until such time that they can get the insurance."

Commissioner Ciani: "Will the Supervisors permit them to operate without insurance?"

Lieutenant O'Donnell: "No. Apparently until such time as they can get the paperwork here, we have been given verbal assurances of the following, that all of the companies that I did mention have gone out and received subsequent coverage. But according to Code we need that insurance certificate in the folders before they can operate on the street. For that reason, they will be ordered off the street until we get it."

Commissioner Siggins: "The certificate required by the Code, we have to have, prohibits a company from cancelling without ten days notice to the department. Isn't that correct?"

Officer Ken Murray, Permit Bureau: "What was cancelled Commissioner, was the master policy held by this broker in Los Angeles. And, of course, they are possibly unaware of the San Francisco Police Department regulations. But the broker in Los Angeles was negligent in failing to notify us that the policy had been cancelled. This is where the problem arose."

Commissioner Siggins: "Well, what did we have on file? Just that telegram or that night letter or something like that?"

Officer Ken Murray: "No. We had a telegram concerning the new Yellow Cab. We have certificates of insurance for Veterans, DeSoto and Luxor and these are a part of what the problem was. The Alliance Insurance Company was one of the two named on there. A first aid insurance broker delivers it."

Lieutenant O'Donnell: "This is what we received from the particular insurance company in Los Angeles when Yellow Cab started to go back out on the street. That was more or less a binder until we received the various certificates for the cabs."

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Commissioner Siggins: "This would give at least 30 days, wouldn't it?"

Officer Ken Murray: "Well, this is a particular, some of the companies automatically give them thirty days. Police Code says ten days."

Commissioner Siggins: "Yes, but I mean you have it on this one here. This certificate can't be cancelled without thirty days notice. But it is to the party, we are supposed to have ten days to us. And don't we have a regular endorsement?"

Officer Ken Murray: "Yes we do."

Commissioner Siggins: "But that's not on here."

Officer Ken Murray: "No. That's not a part of what the companies all agree to. But, there again, sometimes brokers themselves can handle it. And we wouldn't have known about this had not the Insurance Commission questioned about whether or not the Yellow Cab had 26 vehicles on the street."

Commissioner Toler: "The number here is the amount they are being insured for?"

Lieutenant O'Donnell: "Yes sir."

Officer Ken Murray: "With one million! That's for self-insured."

Commissioner Siggins: "The city has an ordinance that requires 100 thousand."

Lieutenant O'Donnell: "It depends on whether they are self or whether they are insured through a company. Yes sir. We did receive a teletype just before the meeting tonight indicating that the first 300,000 dollars of insurance for Luxor, DeSoto and Veterans has been issued by a different company back East. However, that does not go to a million dollars which they are required to have. But in lieu of this restraining order, it would appear that the other companies are going to have to bear the insurance until such time as the judge takes this back."

Commissioner Siggins: "The problem as I see it is a kind of basic thing, you got a notice from the insurance company broker rather than the agent of the company. Then the night letter or telegram might be from staff secretary."

Lieutenant O'Donnell: "This is a copy of what we received this evening. That's by...I think it is by the secretary of the particular insurance brokerage in Chicago. I spoke with her on the phone this afternoon."

Commissioner Siggins: "Officer Murray has been through all this before, and what's happened in the last few years is people just don't want to insure it."

Officer Ken Murray: "It is the same situation as you might say with the malpractice insurance. They just can't give plain coverage because of the high risk involved."

Commissioner Siggins: "So the state came in and at least put the assigned risk provisions in so they could get this. So they have to take the assigned risk. But even at that that's higher than what they are getting here."

Officer Ken Murray: "There was a gentleman who applied for permission from the Chief to place his taxi permit on the shelf because his premium was five thousand and some odd dollars a year."

Commissioner Gallegos: "These units indicated in the telegram, 81 units, is that a total of the units operating in this group?"

Officer Ken Murray: "It varies. It might be more than that, I don't know."

Lieutenant O'Donnell: "Those are the numbers of the cabs for each cab driver."

Commissioner Siggins: "Well, it seems like it's taken care of. I don't know what the legal approach is of the court here telling some companies back East that they have to continue in full force in effect, but it restrains us....it restrains them from cancelling the insurance."

Lieutenant O'Donnell: "Right. And although we don't have it written down, information that they do have coverage in effect right now."

Commissioner Toler: "When do you expect to receive more information on this?"

Lieutenant O'Donnell: "We should receive the other teletype some time this evening. And the next couple of days....all we have is their word until such time as we do receive written information."

Commissioner Ciani: "You raised the point, does this really operate to restrain this insurance company wherever they are outside of the jurisdiction?"

Officer Ken Murray: "Well, they were what they call a non-admitted company. And they had to go through the Commissioner's Office. But we have never had any question on any of the insurance. And DeSoto had recently transferred coverage and there was no question about it."

Commissioner Siggins: "Well, what do you think? You are just reporting on it...."

Lieutenant O'Donnell: "Yes sir."

Commissioner Siggins: "That's a bad situation."

Commissioner Ciani: "Do we have any choice or options?"

Commissioner Siggins: "Well, what we ought to do is pull the cabs off tonight."

Lieutenant O'Donnell: "The cabs have been pulled off. But it's my understanding that with this restraining order that they should be returned to service, that this Alliance is prohibited from cancelling this insurance until such time as the restraining order is resolved."

Commissioner Siggins: "But they haven't even been served with that and they have already cancelled it."

Lieutenant O'Donnell: "They have indicated that they don't feel that they are bound by it. Although we have certificates of insurance downstairs with Alliance's name on it indicating that it is a continuous policy."

Commissioner Callegos: "What will be the effect of the special meeting at the Board of Supervisors? You say they will amend the Code, the Police Code?"

Lieutenant O'Donnell: "I was told by Mr. Teitelbaum that the Mayor was going to issue an emergency proclamation suspending the enforcement of the insurance sections or the figures, the one where you validate the insurance section until such time as the matter can be resolved and they can obtain an insurance. And we indicated that the Board of Supervisors would meet in a special session at 9:00a.m., Friday morning to consider that and if they did concur that that section would be suspended until at such time it could be removed by the Mayor."

Commissioner Gallegos: "But there is what, at least 300,000 dollars plus or pledged or committed under from that other."

Lieutenant O'Donnell: "Yes. That's correct."

Commissioner Gallegos: "At least that's the minimum amount that is in now. There will probably be more by then."

Officer Ken Murray: "The law says now that any cab company that is not self-insured, they only have to have 450,000 dollars. One million if they are self-insured."

Commissioner Ciani: "When you say they don't feel they are bound by it, do you mean the insurance company said they don't feel they are bound by this restraining order?"

Lieutenant O'Donnell: "No. By the certificates that were issued by the LFC company in Los Angeles, which are the certificates that we have."

Commissioner Ciani: "But our position is that because they didn't give us the ten days notice that they can't cancel. Is that what we are relying on this restraining order?"

Lieutenant O'Donnell: "Well, we are relying on, I would think in part, on this restraining order and in part on the coverage that we do have now and I would assume that at least there would be some civil liability should they attempt to sue the city. At least on a good faith situation that we have certificates downstairs, so indeed we have insurance."

Commissioner Ciani: "The coverage we have now as evidenced by these telegrams does not meet the requirements of the law on the books right now. Correct?"

Lieutenant O'Donnell: "Correct."

Commissioner Ciani: "so we can't rely on that, we have got to rely on this restraining order. And we don't know whether this has been served or whether it's binding or whether it's even effective because it restrains them from doing something that they might already have done. I don't think we know enough about this to rely on it, and we can't disregard the requirements of the Police Code and rely on a lesser amount of insurance than is required. So I don't think we really have much choice unless there is somebody who is willing to tell us to a certainty that we can rely on this restraining order."

Lieutenant O'Donnell: "I don't know much about the legality to assure yet that that would cover it."

Commissioner Siggins: "That doesn't, this has no effect on us."

Commissioner Ciani: "Yes. We have to be sure that it has the effect....."

Commissioner Siggins: "That doesn't have any effect with us. We want, we are really not supposed to let anybody operate unless we have a certificate from a company that says they will not cancel without ten days notice. And that that endorsement is not on the certificates we have. Does the one downstairs have that endorsement?"

Officer Ken Murray: "No. I don't think it does. That says thirty days."

Commissioner Siggins: "But that's thirty days notice for the party, not for the department."

Commissioner Ciani: "Does the party get the same thing?"

Officer Ken Murray: "No, we are supposed to get ten days."

Commissioner Siggins: "Ten days notice to us if they are going to cancel?"

Commissioner Ciani: "I know, but it doesn't say that on the certificate and we can't hold the company, with some kind of oral agreement we might have that they will give us ten days notice. So it requires thirty days notice to the insured to cancel?"

Commissioner Siggins: "Yes."

Commissioner Ciani: "Did they give thirty days notice to the insured?"

Officer Ken Murray: "No. They did not. The insured didn't even know about it until we raised the question."

Commissioner Ciani: "How can they claim that they are not bound by those policies if they haven't given thirty (30) days notice?"

Commissioner Siggins: "Because some broker wrote that certificate, and that's a problem between the broker of course, that involves the acceptance of premiums. And I think a lot of other problems they would end up a party to."

Lieutenant O'Donnell: "At the moment the cab companies, the four cab companies have been pulled off the street. And they will await word from us, with the order of the Chief or the Commission that they can go back on the street, that their insurance requirements are satisfied, who are held by this restraining order. Failing that, they would be required to stay off the street or they would be in violation."

Commissioner Siggins: "Well, I can tell you this, Mr. Leevy who posted this, has had no dealings, I would suspect, with the First Aid Insurance Company or Alliance and I don't think the restraining order is effective as far as we are concerned."

Commissioner Ciani: "I think there is really nothing for us to do except let the matter stand as it is until the Board of Supervisors releases us from the obligation we have to require that insurance."

Commissioner Siggins: "Well, what are we going to do tonight? Who is the letter from?"

Lieutenant O'Donnell: "That is supposed to be from the LFC brokerage again in Los Angeles that they have placed additional insurance which would cover from 300,000 to a million."

Commissioner Gallegos: "But only the City can make an amendment that would satisfy the Code requirements?"

Commissioner Ciani: "Yes, but they still don't have the certificate that is required."

Lieutenant O'Donnell: "No, that's true. However, in the case of Yellow Cab when they first got back because of the paperwork process since each cab has to be listed on these permits, that we have been given the legal opinion that they can operate on a teletype pending, us receiving those certificates, as long as it's within a reasonable time."

Commissioner Ciani: "Well, so if we do get that gap filled on the additional insurance, then you can authorize the taxis to go back on the street consistent with this policy that you have in effect with the binder. But President Siggins raises the question, 'who authorized this teletype?' These two or at least this one seems to be signed by some court."

Officer Ken Murray: "Perhaps what we should do is to get a master policy from the company to the Police Department."

Commissioner Ciani; "Well, we could send a confirming wire back to the company from us."

Mr. Ken Mastro: "Maybe I can add something that will help. I am an insurance broker, and the broker represents the insured, and agent represents the company."

Commissioner Siggins: "Yes, but some brokers are agents also."

Mr. Ken Mastro: "This is true. I also am an agent. If he doesn't have the authority from the company and the company says he is acting as a broker. To write (inaudible)"

Commissioner Ciani: "Well, it doesn't say whether they are acting as a broker or an agent."

Commissioner Siggins: "Well, the fact that they are representing a certain insurance. They represented that they purchased insurance."

Mr. Ken Mastro: "Yes, well they are just saying that as a broker, 'I did place the insurance with Alliance; or whatever they did.'"

Officer Ken Murray: "Well, can we get a policy from each individual company stating to us in the policy and name the insured with the understanding that they will give us ten days notice, with the various layers of Cooperate Finance Insurance Companies?"

Commissioner Siggins: "But it doesn't really have to be a master policy as long as it is a certificate of insurance."

Officer Ken Murray: "Well, this was the problem now with this one we have. The broker placing the insurance as an agent."

Commissioner Siggins: "We stand here now with the possibility of the cabs going out into the street after midnight tonight, getting involved in some accidents where the company might be sued, the cab company says we have insurance and we don't have anything to show they do have insurance from the company. We have something from somebody in Los Angeles who is a broker. We don't have any-

thing to prove."

Lieutenant O'Donnell: "Other than the other certificates that were originally issued. The certificates from Alliance. We have certificates from them....."

Commissioner Siggins: "We have notice about them but we don't have the concurrence on a notice from the State Insurance Commissioner's Office they want to cancel that."

Lieutenant O'Donnell: "That's correct. I am just wondering if there was some civil liability if the city would not be released from it on a good faith indication that they, in fact, have this policy down here and then suddenly without any notice tell us that it's cancelled."

Commissioner Siggins: "Well, that's just a copy of something that went to the party. And we had their word that they hadn't heard anything from the company, but what we really require is a certificate of insurance on file."

Lieutenant O'Donnell: "Correct. Although there is one correction Commissioner, effective immediately that's not midnight. Our information is that as soon as we receive official notification that that company may not be liable, then we are to notify those companies to release the liability from the City."

Commissioner Siggins: "Well, as they stand now they are not supposed to be operating after midnight."

Lieutenant O'Donnell: "No, they are not supposed to be operating now."

Commissioner Ciani: "Midnight was when we were going to get another letter that fills the gaps of the insurance binder. That is the significance of midnight."

Chief Gain: "I would suggest that we defer this until after we confer with the City Attorney's Office. Make them stay off the street and confer with the City Attorney's Office and see what they counsel us to do."

Commissioner Siggins: "I think that's the best way."

Chief Gain: "Because how it's not before the Commission."

Officer Ken Murray: "Well, it is to the extent that the policy, the Police Code says that the Police Commission shall maintain the policy, although, in effect, we do maintain it."

Chief Gain: "Under the authority of that section in the Police Code, I ordered the cabs off the street, and again I would suggest that we go to the City Attorney's Office and see what their advise is."

Commissioner Gallegos: "Was this issued this morning?"

Commissioner Siggins: "This afternoon."

Commissioner Gallegos: "Well, what is the effect of the judge's order?"

Commissioner Ciani: "We don't know."

Chief Gain: "Well, that is what we are going to confer with the City Attorney about, about the whole thing. That was just received this week, so we will confer with them right now but we need the cabs off the street until we get....."

Commissioner Gallegos: "Yes, to at least protect the public."

Commissioner Ciani: "How many taxi's involved in this action are actually on the street?"

Lieutenant O'Donnell: "Two hundred and sixty four."

Commissioner Ciani: "And how many remain on the street?"

Lieutenant O'Donnell: "Yellow has 120....."

Officer Ken Murray: "Well, 250 there is a total of 711 so it is 254 from 711."

Lieutenant O'Donnell: "Well that is what it is."

Commissioner Ciani: "So there is a substantial reduction."

Chief Gain: "Well, we will confer then with the City Attorney."

Commissioner Siggins: "Thanks very much Lieutenant."

Chief Gain: "I have a comment in regard to our budget. We will submit the Police Department Budget, the staff recommendation and documents to the Commission by next week, the 11th at the latest. And then in regard to a public hearing, it's our recommendation that the public hearing be announced and then publicized, and be held on the 18th which is a regular meeting here. I am recommending here because as I recall, last year we had it on the 6th floor and I think we had six persons appear. And I would suggest that we have a public hearing here, and announce that, and then if the numbers of interested citizens are such as to not have room here, then we can go upstairs. And then the Commission should adopt a budget in whatever form by the meeting of the 25th. So there is the next three meetings in a row and it is due in the Mayor's Office on the 31st. So that's the end of my report."

Commissioner Siggins: "Thanks Chief."

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferee was represented by Mr. Shannon and the transferor appeared in person and was not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFEE</u>	<u>NO. OF PERMITS</u>
New Yellow Cab Cooperative, Inc. 695-8th Street San Francisco, Ca.	Nam Che O 842 McAllister Street San Francisco, Ca.	1

AYES: Commissioners Ciani, Gallegos, Toler, Siggins

REQUEST OF THE FOLLOWING-NAMED PERSONS FOR PERMISSION TO INCREASE THE PASSENGER CAPACITY OF THEIR JITNEY BUSES FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS. (CONTINUED FROM THE MEETING OF NOVEMBER 23, 1977) - CONTINUED FOR THREE WEEKS.

The following persons appeared and spoke in relation to the above-entitled matter:

Howard Goldstein

Herbert Meier

Abraham Endzwig

Luis Angeli

Ken Mastro

Mr. Romolo Durighello was present but did not speak. He has withdrawn his request.

Mr. Russell J. Orlandi was not present and he has withdrawn his request.

Mr. Abraham Endzwig has not as yet filed a request but says he intends to do so.

The Police Commission has continued this matter for three weeks to collect data on the financial impact and to find out who comprises the Jitney Market and who comprises the Muni Market.

NOTE: A copy of the transcript of this item is on file in the Office of the Police Commission.

AYES: Commissioners Ciani, Gallegos, Toler, Siggins

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

850 BRYANT STREET - HALL OF JUSTICE

- a) At 850 Bryant Street, install a 22' Blue zone, to extend from 218' to 240' east of west line.

979 BRYANT STREET - SAN FRANCISCO FIRE FIGHTERS LOCAL 798

- a) At 979 Bryant Street, install a 32' green zone, to extend from 12' to 44' west of east property line.

347 DOLORES STREET - NOTRE DAME SCHOOL

- a) At 347 Dolores Street, install an 88' white zone, to extend 88' south of south side of north driveway.

395-8th STREET - NEW PROCESS LAUNDRY

- a) At 395-8th Street, revoke existing 36' yellow zone, extending from 1' to 37' north of south line.

383-8th STREET - NEW PROCESS LAUNDRY

- a) At 383 - 8th Street, revoke existing 69' yellow zone, extending from 19' to 88' south of Heese.

3151 ORTEGA STREET - A.P. GIANNINI JR. HIGH SCHOOL

- a) At 3151 Ortega Street, install an 88' white zone, extending 88' east of 39th Avenue.

224-12th STREET - LEGAL PRINTING COMPANY

- a) At 224-12th Street, install a 22' green zone, to extend from 35' to 77' south of north property line.

535 BRYANT STREET - THE WINE HOUSE

- a) At 535 Bryant Street, install a 22' green zone, to extend from west building line to 22' east of same.

385-8th STREET -KQED T.V. -BAVARIAN CYCLE WORKS BOMAIN
PLUMBING

- a) At 385-8th Street, install a 38' green zone, to extend from 20' to 58' south of north property line.

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 105' of yellow zones, at the parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Inspector Joseph W. Brewer, Jr.,
Bureau of Investigations, for industrial disability, effective October 9, 1977.
- b) Police Officer Dillon Cole, Jr.,
Support Services Bureau, for industrial disability, effective December 6, 1977.
- c) Police Officer James T. Evans,
Support Services Bureau, for industrial disability, effective December 28, 1977.
- d) Police Officer John D. Nevin, Richmond
Police Station, for industrial disability, effective November 24, 1977.
- e) Police Officer Frank A. Rackley,
Personnel Bureau, for industrial disability, effective December 11, 1977.

The communications were ordered filed.

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

RESOLUTION NO. 1-78

SAMI KAWAR AND HIS ATTORNEY
BRUCE KRELL

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Sami Kawar in Superior Court Action No. 699-619 entitled "Sami Kawar vs. San Francisco Police Department, et al.," in the sum of \$750.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 4, 1975

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

RESOLUTION NO. 2-78

REQUEST TO TRANSFER ALLOTTED FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$1,250.00 from allotted funds in Appropriation No. 7.161.300.000.000 (Materials and Supplies) to allotted funds in Appropriation No. 7.161.400.000.000 (Equipment) to provide for fingerprint kits in the current supplemental budget.

AYES: Commissioners Ciani, Gallegos, Toler, Siggins

RESOLUTION NO. 3-78

AUTHORIZING ATTENDANCE OF DR. MIMI H. SILBERT, DEPARTMENT TRAINING CONSULTANT, LEIUTENANT RICHARD D. KLAPP AND SERGEANT MICHAEL S. HEBEL, PERSONNEL & TRAINING, AT THE QUARTERLY PUBLIC MEETING OF THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING IN SAN DIEGO, CALIFORNIA, FROM JANAUARY 25, 1978 TO JANUARY 27, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Dr. Mimi H. Silbert, Department's Training Consultant, Lieutenant Richard D. Klapp and Sergeant Michael S. Hebel, Personnel and Training, be detailed to attend the Quarterly Public Meeting of the Commission on Peace Officer Standards and Training in San Diego, California, from january 25, 1978 to January 27, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Dr. Silbert, Lieutenant Klapp, and Sergeant Hebel, in a sum not to exceed \$175.00 each in attending this meeting will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Toler, Siggins

RESOLUTION NO. 4-78

AUTHORIZING ATTENDANCE OF POLICE OFFICERS FRED LAU AND BERNARD MCNEIL, GANG TASK FORCE, AT A COURSE IN DATA COLLECTION AT FORT MASON, SAN FRANCISCO, CALIFORNIA, FROM JANUARY 9, 1978 TO JANUARY 20, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the

Chief of Police that Police Officers Fred Lau and Bernard McNeil, Gang Task Force, be detailed to attend a course in Data Collection at Fort Mason, San Francisco, California, from January 9, 1978 to January 20, 1978, inclusive, be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Toler, Siggins

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitted a report of members of the department off duty due to sickness and disability for the week ending Tuesday, December 14, 1977 to December 20, 1977, as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	68	62
Daily average for the week disabled	<u>104</u>	<u>105</u>
TOTALS	172	167

This is an increase of five (5) members off duty daily from the previous week.

Daily percentage for the week sick	3.62
Daily percentage for the week disabled	<u>6.28</u>
TOTAL	9.90

Disabled at the start of the week	105
Started during the week	14
Returned during the week	10
Disabled at the end of the week	109
Net Gain or Loss	+4

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY, NOVEMBER 2, 1976 AT 2400 HOURS:

Daily average for the week sick	72
Daily average for the week disabled	<u>124</u>
TOTAL	196
Daily percentage for the week sick	3.68
Daily percentage for the week disabled	<u>7.48</u>
TOTAL	11.16

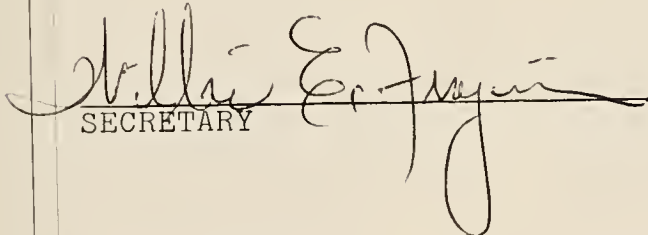
SICK AND DISABLED FOR THE WEEK ENDING TUESDAY,
OCTOBER 12, 1977 AT 2:00 HOURS:

Daily average for the week sick	61
Daily average for the week disabled	<u>86</u>
TOTAL	147
Daily percentage for the week sick	3.21
Daily percentage for the week disabled	<u>5.17</u>
TOTAL	8.38

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

The Commission then adjourned its meeting.


SECRETARY

9 JANUARY 1978

SPECIAL MEETING

Minutes

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Monday, January 9, 1978 at 1715 hours in Special Session:

PRESENT: Commissioners Ciani, Gallegos, Murphy, Toler

AND: SAN FRANCISCO POLICE OFFICERS' ASSOCIATION

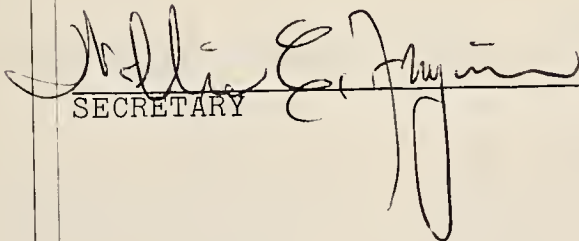
Meet and Confer:

1. LikeWork/Like Pay Appointments
2. Police Service Aides.

FEB 22 1978

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The Commission then adjourned it meeting.



SECRETARY

11 January 1978

EXECUTIVE SESSION

Minute
The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, January 11, 1978 at 1700 hours in Executive session:

PRESENT: Commissioners Ciani, Gallegos, Toler, Siggins

Commissioner Siggins presiding.

1. Attorney-Client Conference.

11 JANUARY 1978

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, January 11, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Gallegos, Toler, Siggins

Commissioner Siggins presiding.

FEB 22 1978

CHIEF'S REPORT TO THE POLICE COMMISSION

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Chief Gain had no report.

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

TRANSFEROR

TRANSFeree

NO. OF PERMITS

Hersh Karp
1690-25th Avenue
San Francisco, Ca.

Charles W. McCall 1
237 Hillside Avenue
Kentfield, Ca.

AYES: Commissioners Ciani, Gallegos, Toler,
 Siggins

AIRPORT TRANSIT PERMIT TRANSFER - DEFERRED ON WEEK

The request for the transfer of 23 Airporter Busses and 3 Stretch Sedan Busses and one Limousine Permit from the Yellow Cab Company DBA Airport Transit of California, 695-8th Street, San Francisco, California, to Nicholas Leonoudakis, 310 Ferndale Avenue, South San Francisco, California, has been deferred for one week.

NOTE: Transcript on file in Office of the Police
 Commission.

AYES: Commissioners Ciani, Gallegos, Toler,
 Siggins

REQUESTING THE BOARD OF SUPERVISORS TO AMEND CHAPTER 1, SECTION 1.25 OF THE SAN FRANCISCO ADMINISTRATIVE CODE AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO HOLD HARMLESS AGREEMENTS FOR THE PURPOSE OF OBTAINING VEHICLES FOR THE POLICE DEPARTMENT'S STREET CRIMES UNIT - OFF CALENDAR.

NOTE: No action necessary. Matter currently being
 considered by the Board of Supervisors.

AYES: Commissioners Ciani, Gallegos, Toler,
 Siggins

RESOLUTION NO. 13-78

CAPTAIN J. WILLIAM CONROY, PARK POLICE STATION

WHEREAS, the discussion regarding legal questions in the hearing of Captain J. William Conroy, Park Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, Attorney for Captain J. William Conroy, stated that he had an opportunity to examine the department's evidence, and that after viewing that evidence it obviated some of the questions that were presented in the last Commission hearing; and that in light of that aspect and because of

other prior commitments, he was requesting that the date for Captain Conroy's hearing be set for March 1, 1978; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Captain J. William Conroy, is set for Wednesday, March 1, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Toler, Siggins

NOTE: Tape transcript on file in the Police Commission Office.

HEARING REGARDING GREIVANCE 7-77 FILED BY ASSISTANT INSPECTOR MICHAEL WILLIAMS - CONTINUED TO JANUARY 25, 1978

AYES: Commissioners Ciani, Gallegos, Toler, Siggins

NOTE: Tape transcript on file in the Police Commission Office.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendation of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

151 TOWNSEND STREET - V.M. PRODUCTS-ERMA INTERNATIONAL

- a) At 151 Townsend Street, install a 57' yellow zone, to extend from 4' to 61' west of east property line.

901 CLAY STREET - CHINATOWN STATION

- a) At 901 Clay Street, install a 58' yellow zone, to extend 58' west of east property line.

867 STOCKTON STREET - CHINATOWN STATION

- a) At 867 Stockton Street, install a 56' white zone, to extend from north building line 56' south.

2525 CALIFORNIA STREET -- CALIFORNIA STREET NURSERY

- a) At 2525 California Street, revoke existing 28' white zone, install a 28' green zone west of east property line.

1140 HARRISON STREET - TRANSPORTATION TRUCK REPAIRS

- a) At 1140 Harrison Street, install a 50' yellow zone, to extend from 34' to 84' west of east property line.

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 28 feet of white zone, at the part of the City at the location submitted, be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

RESOLUTION NO. 6-78

MRS. SAMMYE ADAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mrs. Sammie Adams against the City and County of San Francisco in the sum of \$1111.62 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 23, 1977

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

RESOLUTION NO. 7-78

PHYLLIS A DUNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Phyllis A. Dunson against the City and County of San Francisco

in the sum of \$500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 17, 1977

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

RESOLUTION NO. 8-78

HARVEY LEROY FLETCHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harvey Leroy Fletcher against the City and County of San Francisco in the sum of \$24.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 10, 1977

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

RESOLUTION NO. 9-78

LESTER J. RUBIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lester J. Rubin against the City and County of San Francisco in the sum of \$382.39 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 12, 1977

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

RESOLUTION NO. 10-78

ZEFERINO HERNANDEZ AND HIS ATTORNEYS
ZIEF, DIMENT & GLICKMAN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Zeferino Hernandez in the sum of \$1,250.00 in Superior Court Action No. 690-544 entitled "Zeferino Hernandez vs.

City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 28, 1975

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

RESOLUTION NO. 5-78

AUTHORIZING ATTENDANCE OF POLICE OFFICER ALAN BENNER, FIELD TRAINING AND EVALUATION PROGRAM STAFF, TO ACCOMPANY DR. MIMI H. SILBERT AND LIEUTENANT RICHARD D. KLAPP AND SERGEANT MICHAEL S. HEBEL, AT THE QUARTERLY PUBLIC MEETING OF THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING IN SAN DIEGO, CALIFORNIA, FROM JANUARY 25, 1978 TO JANUARY 27, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Alan Benner, Field Training and Evaluation Program Staff, be detailed to accompany Dr. Mimi H. Silbert and Lieutenant Richard D. Klapp and Sergeant Michael S. Hebel to the Quarterly Public Meeting on the Commission on Peace Officers Standards and Training, in San Diego, California, from January 25, 1978 to January 27, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer Alan Benner in a sum not to exceed \$175.00 in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

RESOLUTION NO. 11-78

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY SERGEANT DAVID R. WINN AND POLICE OFFICER THOMAS ARNOLD, CRIMES SPECIFIC TASK FORCE, AT AN ADVANCED EXPLOSIVES TRAINING SCHOOL AT SOUTH LAKE TAHOE, CALIFORNIA, FROM DECEMBER 5, 1977 TO DECEMBER 9, 1977, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police Sergeant David R. Winn and Police Officer Thomas Arnold, Crime Specific Task Force, attended an Advanced Explosives Training School at Lake Tahoe, California; and

WHEREAS, Sergeant Winn and Officer Arnold did travel to Lake Tahoe, California from December 5, 1977 to December 9, 1977, inclusive, to attend this school; therefore be it

RESOLVED, that expenses in the amount of \$282.00 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Galllegos, Toler, Siggins

RESOLUTION NO.12-78

REQUEST TO TRANSFER FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$65,000 from allotted funds in Appropriation No. 7.161.300.000.000 and \$65,000 from unallotted funds in Appropriation No. 7.161.300.000.000 (Materials and Supplies) to Appropriation No. 7.315.319.000.000 (Purchaser's Fuel and Lubricants) for the pruchase of gasoline and oil for police vehicles at the Hall of Justice Station.

AYES: Commissioners Ciani, Gallegos, Toler, Siggins

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	48	68
Daily average for the week disabled	<u>103</u>	<u>104</u>
TOTALS	151	172

This is a decrease of twenty-one(21) members off duty daily from the previous week.

Daily percentage for the week sick	2.50
Daily percentage for the week disabled	<u>6.22</u>
TOTAL	8.72

Disabled at the start of the week	105
Started during the week	10
Returned during the week	14
Disabled at the end of the week	100
Net Gain or Loss	-4

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
NOVEMBER 9, 1967 AT 2400 HOURS:

Daily average for the week sick	78
Daily average for the week disabled	<u>120</u>
TOTAL	198
Daily percentage for the week sick	4.04
Daily percentage for the week disabled	<u>7.27</u>
TOTAL	11.31

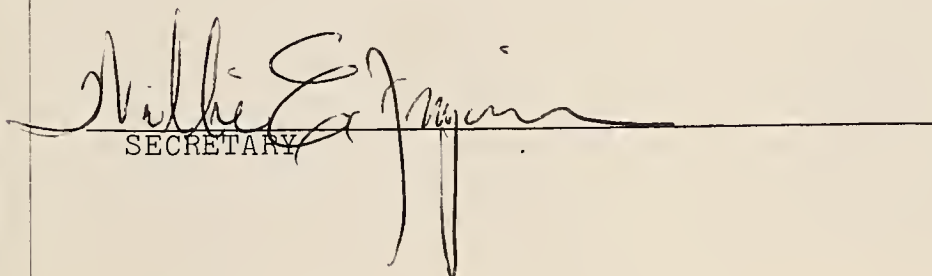
SICK AND DISABLED FOR THE WEEK ENDING TUESDAY,
OCTOBER 26, 1977 AT 2400 HOURS:

Daily average for the week sick	59
Daily average for the week disabled	<u>98</u>
TOTAL	157
Daily percentage for the week sick	2.99
Daily percentage for the week disabled	<u>5.91</u>
TOTAL	8.90

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Toler,
Siggins

The Commission then adjourned its meeting.



SECRETARY

16 JANUARY 1978

SPECIAL MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Monday, January 16, 1978 at 1715 hours in Special Session.

PRESENT: Commissioners Murphy, Toler, Siggins

ABSENT: Commissioners Ciani, Gallegos

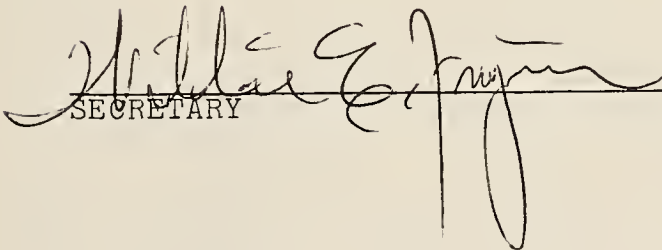
Meet and Confer:

MAR 10 1978

- 1.- Like Work/Like Pay Appointments.
- 2.- Police Service Aides.

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The Commission then adjourned its meeting.



SECRETARY

18 JANUARY 1978

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, January 18, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Toler,
Siggins

ABSENT: Commissioner Gallegos

Commissioner Siggins presiding.

MAR 10 1978

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CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, if I may tonight for my report, I would like to report on a luncheon I attended today. Whereas the Polk Street Merchants Association honored the officers of the Northern Station for the very commendable job they have done over a period of time in addressing the police problems there, I asked Captain Con Murphy to be here tonight because I think it's a distinct honor bestowed upon his personnel. As we know, for about a year and a half we have had intense problems on Polk Street; violence and other type crimes. Captain Murphy, who was appointed Captain last year, and assumed command of the Northern Station in approximately August, as a consequence of a meeting in the Mayor's Office last year was given the responsibility and definite authority to take appropriate police action to clean up the street as it were, as far as crime. Captain Murphy, in concert with the Polk Street Merchants Association, a very compatible relationship, identified the problem, assigned his police personnel, and today the Polk Street Merchants honored those personnel, by one, giving Captain Murphy a plaque in acknowledgement of appreciation for his outstanding dedication and leadership of his personnel and then, in addition, the Polk Street Merchants presented this to the personnel in the station. It contains acknowledgement and appreciation of their work and also the names of each officer at that district station. There were possibly 100 in attendance and it was really gratifying to see the Merchants and citizens there demonstrate the very compatible relationship with the police officers and particularly with the Captain of the station and to acknowledge their work. So I wanted Captain Murphy to be here tonight and he is no doubt embarrassed. But I prevailed upon him to be here so that the Commission, too, would know what did occur and the very outstanding work he has done as district Captain of Northern Station. I cannot make comparisons of district stations, obviously, as Chief of Police, but as they reported to me that since Captain Murphy has been assigned to Northern that the Espirit D' Corp

there is excellent and so is the morale because they are concerned with policing tasks and basically, that is about it. Captain Murphy would you stand up please, we would like to commend you and honor you here."

Captain Murphy: "Thank you Chief, very much."

Chief Gain: "I would like to show this to the Commission." (Chief shows plaque to Commissioners.)

Commissioner Siggins reads writing on plaque for information.

Commissioner Murphy: "I wish we were related Captain."

Commissioner Ciani: "I might say that I have heard from a lot of people who previously complained to me about the status of Polk Street, and there has been marked improvement. Do you want to say anything about your plan or how you approached the situation?"

Captain Murphy: "Well, I don't know, we had the capability and the opportunity, we put the right people in the right place at the right time and the results have been very gratifying to me."

Chief Gain: "The Captain said he will not leave these here so we are out of luck."

Captain Murphy: "Definitely not."

Chief Gain: "Thank you Captain."

Commissioner Murphy: "This was in a previous incarnation when I was a member of the Board of Supervisors and these are two Certificates of Honor, one to Lieutenant Scheffler and one to Police Officer James Lomax. It says Lieutenant William Scheffler this is a Certificate of Honor from the Board of Supervisors of the City and County of San Francisco, and it says, a highly respected professional and heroic member of the San Francisco Police Department for on the morning of September 26, 1977, risked his life to capture an armed and extremely dangerous criminal. The suspect was wanted for the shooting of Police Officer Douglas Gibbs. During the chase subsequent to the shooting, the fleeing suspect fired numerous times at Lieutenant Scheffler. Knowing the danger confronting him and even though unarmed, Lieutenant William Scheffler continued to chase and finally captured the suspect. For his heroic actions, the citizens of San Francisco are deeply appreciating and are in Lieutenant William Scheffler's debt. And we are very proud to present this to you."

Commissioner Murphy to Police Officer James Lomax: "A highly respected professional and heroic member of the San Francisco Police Department who, on the morning of September 26, 1977, risked his life to capture an armed and extremely dangerous criminal. The suspect was wanted for the shooting of Police Officer Douglas Gibbs. During the subsequent chase the suspect fired several times at Officer Lomax. Knowing the danger facing him and to continue returning the suspect's gunfire would endanger other lives, Officer James Lomax holstered his weapon and continued the chase. A few blocks later Officer Lomax and another police officer were able to capture the suspect. For Police Officer James Lomax's heroic actions, the citizens of San Francisco are deeply appreciative and in his debt. And thank you very much."

Commissioner Siggins: "It seems like from all of the Gold, Silver and Bronze Medals they are wearing, Lieutenant William Scheffler and Officer James Lomax have been here before. Congratulations."

TRANSFER OF TWENTY-THREE (23) AIRPORTER BUSES AND THREE (3) STRETCH SEDAN BUSES.

The matter of the transfer of the right to operate 23 Airporter busses and 3 Stretch Sedan busses by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were represented by counsel. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferor might have to operate 23 Airporter busses and 3 Stretch Sedan busses to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFEE</u>	<u>NO.OF PERMITS</u>
Yellow Cab Company DBA Airport Transit of California 695-8th Street San Francisco, Ca.	Nicholas Leonoudakis 310 Ferndale Avenue South San Francisco, California	23 Airporter Buses 3 Stretch Sedan Buses

The matter of the request to transfer the Limousine permit will be re-submitted at a later date by transferee, and his attorney, upon completion of further legal research.

AYES: Commissioners Murphy, Toler, Siggins
NOT VOTING: Commissioner Ciani
ABSENT: Commissioner Gallegos

NOTE: Tape Transcript on file in the Office of the

Police Commission.

RESOLUTION NO. 15-78

HEARING TO DETERMINE WHETHER OR NOT 138 PERMITS ISSUED TO YELLOW CAB COMPANY SHOULD BE REVOKED AS RECORDS INDICATE THESE TAXICAB PERMITS ARE NOT BEING OPERATED IN COMPLIANCE WITH SECTION 1079 OF THE MUNICIPAL POLICE CODE (CONTINUOUS OPERATION - REVOCATIONS PROVIDED FOR.) - APPROVED.

WHEREAS, a hearing was held to determine whether or not 138 permits issued to Yellow Cab Company should be revoked as records indicate these taxicab permits are not being operated in compliance with Section 1079 of the Municipal Police Code (Continuous Operation - Revocations Provided For.); and

WHEREAS, at said meeting it was determined that the 138 permits were not being operated in compliance with Section 1079 of the Municipal Police Code; therefore be it

RESOLVED, that the Police Commission does hereby revoke 138 permits issued to Yellow Cab Company because of non-compliance with Section 1079 of the Municipal Police Code (Continuous Operation - Revocations Provided For.)

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

OPERATING BUDGET OF THE SAN FRANCISCO POLICE DEPARTMENT FOR THE FISCAL YEAR 1978/79 - CONTINUED TO JANUARY 25, 1978.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 16-78

PARKING CONTROLMAN ROBERT S. BARCA, TRAFFIC BUREAU

WHEREAS, charges of violating the Rules and

Procedures of the San Francisco Police Department were filed against Parking Controlman Robert S. Barca, as follows:

SPECIFICATION NO. 1

Neglect of Duty (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Leaving beat without permission (Violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Aiding the evasion of the Parking Enforcement Process. (Violation of Section 2.163 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 4

Carrying package while in uniform (Violation of Section 2.134 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 5

Subverting the good order of the Department (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 6

Failure to obey a direct order (Violation of Section 2.45 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Parking Controlman

Robert S. Barca, Traffic Bureau, be, and the same is hereby set for Wednesday, February 8, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Gallegos

NOTIFICATION OF REVOCATION OF EMERGENCY TEMPORARY TAXICAB PERMITS ISSUED PURSUANT TO MAYOR MOSCONE'S EMERGENCY PROCLAMATION OF DECEMBER 16, 1976.

As soon as the San Francisco Police Department received notice, the necessary proceedings were immediately instituted to revoke all the Emergency Temporary Taxicab Permits.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED - #6 DENIED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

930 PINE STREET - PACIFIC UNION CO.

- a) At 930 Pine Street, install a 22' white zone, to extend from 27' to 49' east of west property line.

1330 - 16th STREET - PACIFIC TELEPHONE

- a) At 1330 - 16th Street, install a 44' yellow zone, to extend from 71' to 115' west of east property line.

560 KEARNY STREET - DEPT. OF HEALTH, EDUCATION & WELFARE

- a) At 560 Kearny Street, install a 22' white zone, to extend from 6' to 28' south of north property line.

2200 - 17th STREET - UNITED PARCEL SERVICE

- a) At 2200-17th Street, revoke existing

69' green zone extending from 17'
to 86' west of east building line.

3299-16th STREET - DOLORES MARKET

- a) At 3299 - 16th Street, revoke existing
18' yellow zone, extending from 15' to
33' east of Dolores Street.

399-15th STREET - PACIFIC LITHOGRAPH - DENIED

- a) At 399-15th Street, install a 37'
yellow zone, to extend from west line
to east of same. This will meet present
52' yellow zone.

(This 37' yellow zone was denied by the Commission.)

2417 LOMBARD STREET - GOLDEN GATE FAMILY STEAK HOUSE

- a) At 2417 Lombard Street, install a 24'
yellow zone, to extend from 4' to 28'
west of east property line. Meter #2405
to be removed.

1600 INNES - ACME AUTO DISMANTLERS

- a) At 1600 Innes, revoke existing 58'
green zone, extending from 9' to 67'
west of 3rd Street.

4100 - 22nd STREET - S&S MARKET

- a) At 4100 - 22nd Street, install a 22'
green zone, to extend from east build-
ing line to 22' west of same.

2222 - 17th STREET - UNITED PARCEL SERVICE

- a) At 2222-17th Street, revoke 22'
green zone, extending from 32' to
54' east of Utah.

399 UTAH STREET - UNITED PARCEL SERVICE

- a) At 399 Utah Street, revoke existing
60' green zone, from 6' to 66' north

of 17th Street.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

NOTE: Item No. 6 on Traffic Calendar was denied.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 227 feet of green and yellow zones, at the parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Police Officer Roy Giorgi, Support Services Bureau, for industrial disability, effective January 10, 1978.
- b) Police Officer Richard L. Sanden, Support Services Bureau, for industrial disability, effective December 1, 1977.

The communications were ordered filed.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 14-78

AUTHORIZING ATTENDANCE OF CIVILIAN STATISTICIAN ALAN L. PORPHIR, PLANNING AND RESEARCH CRIME ANALYSIS, AT THE INTEGRATED CRIMINAL APPREHENSION PROGRAM CRIME ANALYSIS UNIT TRAINING COURSE AT NEW HAVEN, CONNECTICUT, FROM JANUARY 24, 1978 TO JANUARY 27, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Civilian Statistician Alan L. Porphir, Planning and Research Crime Analysis, be detailed to attend the Integrated Criminal Apprehension Program Crime Analysis Unit Audit Training Course at New Haven, Connecticut, from January 24, 1978 to January 27, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Civilian Statistician Alan L. Porphir in the amount of \$647.50 in attending this course, will be defrayed by the Integrated Crime Apprehension Program Grant Funds.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Gallegos

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, December 28, 1977 to January 3, 1978, as follows:

	<u>PREVIOUS WEEK</u>	
Daily average for the week sick	48	48
Daily average for the week disabled	<u>106</u>	<u>103</u>
TOTALS	154	151
This is a decrease of three (3) members off duty daily from the previous week.		
Daily percentage for the week sick		2.53
Daily percentage for the week disabled		<u>6.43</u>
TOTAL		8.96

Disabled at the start of the week	103
Started during the week	10
Returned during the week	12
Disabled at the end of the week	101
Net Gain or Loss	-2

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
NOVEMBER 16, 1967 AT 2400 HOURS:

Daily average for the week sick	69
Daily average for the week disabled	<u>124</u>
TOTAL	193
Daily percentage for the week sick	3.31
Daily percentage for the week disabled	<u>7.48</u>
TOTAL	10.79

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY,
NOVEMBER 2, 1977 AT 2400 HOURS:

Daily average for the week sick	64
Daily average for the week disabled	<u>98</u>
TOTAL	162
Daily percentage for the week sick	3.25
Daily percentage for the week disabled	<u>5.92</u>
TOTAL	9.17

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

The Commission then adjourned its meeting.



SECRETARY

19 JANUARY 1978

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 19, 1978 at 1715 hours in Special Session.

PRESENT: Commissioners Ciani, Murphy, Toler, Siggins

ABSENT: Commissioner Gallegos

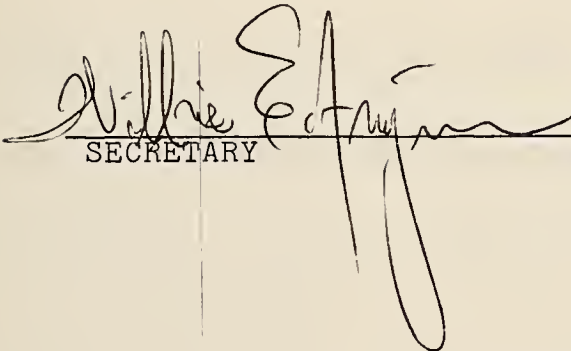
MAR 10 1978

Meet and Confer:

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

- 1.- Operating Budget for Fiscal Year 178/79.

The Commission then adjourned its meeting.



SECRETARY

8
25 JANUARY 1978

41 -
EXECUTIVE SESSION

Minute
The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, January 25, 1978 at 1630 hours in Executive Session.

PRESENT: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

Commissioner Siggins presiding.

MAR 14 1978

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

1.- Personnel Matters.

25 JANUARY 1978

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, January 25, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

Commissioner Siggins presiding.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "I have no report tonight Mr. President and Commissioners."

Commissioner Ciani: "Did you say you have no report?"

Chief Gain: "Yes."

Commissioner Ciani: "May I ask a question?"

Chief Gain: "Yes."

Commissioner Ciani: "Chief, there was an editorial regarding the authorization for tear gas devices, and it stated that no permits have been issued in San Francisco although they have been issued in other counties. Could you explain your position on that?"

Chief Gain: "Yes Commissioner, I will have Deputy Chief Mullen report on that. We have issued permits."

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Deputy Chief Mullen: "Yes Commissioner and Mr. President. Since November of 1977 we have issued 21 mace permits to citizens, we have ten currently in process. Beyond that, we have issued...I put out yesterday, I haven't seen it published yet, further instructions to our officers as to be able to respond to citizen inquiries about it as to how the exact process they go through. But we have, in fact, issued 21 and ten are in process."

Commissioner Ciani: "Have you turned any down?"

Deputy Chief Mullen: "I don't have that figure Commissioner."

Commissioner Ciani: "Is there a course of instruction available in this county?"

Deputy Chief Mullen: "Yes, there is. I believe, not having the thing in front of me, it's at City College of San Francisco. I don't have the information available in front of me."

Commissioner Ciani: "So it usually requires, as a condition to issuing a permit, that one take this instruction course?"

Deputy Chief Mullen: "The law requires it."

Commissioner Ciani: "Do you know what the cost of the course is here?"

Deputy Chief Mullen: "I don't know if there is any cost. The Community College gives it."

Lieutenant Trueb: "I think it depends on the number of hours, the particular course you are involved in. Some courses are longer than others, but the course goes from something like 25 dollars to almost \$100 dollars."

Commissioner Ciani: "And then do the people who are issued the permits acquire the mace from the department?"

Deputy Chief Mullen: "No. We don't issue it, they are eligible to purchase it with a permit."

Commissioner Ciani: "Is there a limit on how much they can have in their possession with a permit?"

Deputy Chief Mullen: "That's not in the law. That's not specified in the law. So there is no limit."

Commissioner Murphy: "What kinds of people would want a mace permit? Is that like anyone who maybe didn't want a gun, but would want mace like a storekeeper or something like that to protect himself? Self protection?"

Deputy Chief Mullen: "Self protection. That's the stated purpose in the law. I'm not sure that's one of the provisions in the permit acquisition process, but they must go through a records check through CII and FBI just like anybody getting other types of permits. I'm not sure that people wouldn't want them for other than honorable uses."

Commissioner Ciani: "Well, this editorial is in error. There have actually been permits issued."

Deputy Chief Mullen: "It's my understanding that the person who gathered the data for that editorial talked to our Permit Office months ago and did nothing until recently to print it. That's my understanding of what happened. How that editorial came to be published in that way."

Commissioner Ciani: "Does the department make any printed material available to people through the SAFE Program, or do they provide information only when it's requested?"

Deputy Chief Mullen: "At this time that is the way we have been approaching it."

Commissioner Ciani: "And is that what you intend to continue doing?"

Deputy Chief Mullen: "I would refer to the Chief on that."

Chief Gain: "We have made no plans whatever to inform citizens of the availability to get the permit."

Commissioner Toler: "Can one buy mace without a permit?"

Chief Gain: "No. Actually, I think the correct terminology is tear gas. Tear gas, there is a distinction, and it is unlawful to possess it unless you go through the process of going to school and obtaining a permit as far as private citizens, it's unlawful to possess it."

Commissioner Toler: "It would be unlawful for one to sell it without a permit?"

Chief Gain: "Yes."

Commissioner Ciani: "Are these crime statistics that we received from you been recently released, or are they last weeks?"

Chief Gain: "That was last week, if I recall."

Commissioner Ciani: "I just got them today."

Chief Gain: "There was approximately an 8% decrease from last year."

Commissioner Siggins: "Are there any more questions in connection with the Chief's report?"

TRANSFER OF TAXICAB PERMIT - CONTINUED FOR TWO (2) WEEKS

The request to transfer a taxicab permit from Hersh Karp to Charles W. McCall, was continued until the meeting of February 8, 1978.

AYES: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

REQUEST OF THE FOLLOWING-NAMED PERSONS FOR PERMISSION TO INCREASE THE PASSENGER CAPACITY OF THEIR JITNEY BUSES FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS. (CONTINUED FROM THE MEETING OF JANUARY 4, 1978) - HELD OVER ONE (1) WEEK.

The following-named persons spoke on the above-titled subject matter:

Howard Goldstein

Mr. Bartholomew

Abraham Endzwig

The matter was continued for one (1) week.

NOTE: Tape Transcript on file in the Police Commission Office.

AYES: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

- 41 -

HEARING REGARDING GRIEVANCE 7-77 FILED BY ASSISTANT INSPECTOR MICHAEL WILLIAMS. (CONTINUED FROM THE MEETING OF JANUARY 11, 1978) - CONTINUED TO FEBRUARY 1, 1978.

AYES: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

OPERATING BUDGET OF THE SAN FRANCISCO POLICE DEPARTMENT FOR THE FISCAL YEAR 1978/79. (CONTINUED FROM THE MEETING OF JANUARY 18, 1978)

Officers for Justice requested to speak on above-entitled subject.

NOTE: Tape Transcript on file in the Police Commission Office.

RESOLUTION NO. 24-78

OPERATING BUDGET FOR FISCAL YEAR 1978/79 - SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the operating budget of the San Francisco Police Department for the fiscal year 1978/79 as submitted by Chief of Police Charles R. Gain, and modified through the hearing process to include:

1. Training Officers to be shifted within the department's operations so that they will not replace police officers but will be new additional personnel.
2. That the requested psychological component be moved from the Civilian Salaries line to the Contractual Services line.
- *3. That the Commission finds as a matter of policy that the Civilian Complaint Office (CCO) component will be institutionalized in its first phase in the Police Department as one half of the program submitted to the Commission for their policy decision."

*The voting on this issue was -

AYES: Commissioners Ciani, Gallegos, Murphy

NAY: Commissioner Siggins

PERMISSION WAS THEN GRANTED, BY MAJORITY VOTE, TO ALLOW COMMISSIONER TOLER, WHO HAD REQUESTED TO ABSTAIN, PERMISSION TO DO SO.

RESOLUTION NO. 25-78

SUPPLEMENTAL BUDGET ESTIMATE AND RECOMMENDATIONS
OF THE SAN FRANCISCO POLICE DEPARTMENT FOR FISCAL
YEAR 1978/79

RESOLVED, that the Police Commission hereby approves in principle, the Supplemental Budget Estimate and Recommendations of the San Francisco Police Department for the fiscal year 1978/79 as submitted by Chief of Police Charles R. Gain, with the understanding that department staff will confer with the Mayor's Office and Supervisor Dianne Feinstein to determine the actual numbers needed and the cost thereof.

AYES: Commissioners Ciani, Gallegos, Murphy,
Toler, Siggins

SAFE PEOPLE FROM VISITATION VALLEY REQUESTED
TO SPEAK ON AN ADDENDUM TO THE BUDGET.

RECOMMENDATION TO THE CIVIL SERVICE COMMISSION
TO AMEND CIVIL SERVICE RULE 19 (LIMITED TENURE
APPOINTMENTS.) - CONTINUED TO FEBRUARY 1, 1978.

AYES: Commissioners Ciani, Gallegos, Murphy,
Toler, Siggins

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

150 GREENWICH STREET - THE SAN FRANCISCO BAY CLUB

- a) At 150 Greenwich Street, install a 44' white zone, to extend from 73' to 117' east of west property line.

1640-1644 HAIGHT STREET - BENEDETTI'S LIQUORS-
HAIGHT STREET DELI

- a) At 1640-1644 Haigh Street, install a 44' yellow zone, to extend from 6' to 48' west of east property line.

200 POTRERO STREET - ANDERSON BROS MOVERS

- a) At 200 Potrero Street, install a 44' green zone, to extend from 20' to 64' south of north property line.

200 POTRERO STREET - ANDERSON BROS MOVERS

- a) At 200 Potrero Street, install a 44' yellow zone, to extend from 64' to 108' south of north property line.

49 POWERS - COMMUNITY CORNER INC.

- a) At 49 Powers, install a 22' yellow zone, to extend 22' west of east building line.

1687 HAIGHT STREET - CENTRAL BUSINESS MACHINES

- a) At 1687 Haight Street, revoke existing 22' yellow zone west of Cole Street crosswalk.

2108 O'FARRELL STREET - PAYLESS CLEANERS, LA CROSBY
STYLE HOUSE, QUEEN CAFE, ROLLINS
BEAUTY SUPPLY.

- a) At 2108 O'Farrell Street, install a 22' yellow zone, extending from 17' to 39' west of east property line.

135 POLK STREET - DEPT. OF PUBLIC HEALTH

- a) At 135 Polk Street, install a 21' Special Truck Loading Zone, on meter #123 extending from 13' to 34' south of north property line.

1629-31 HAIGHT STREET - MAJORI CREAMERY

- a) Revoke existing 42' white zone, extending from 4' to 46' east of west property line.

1754 HAIGHT STREET - COAST FREE MARKET

- a) At 1754 Haight Street, revoke existing 36' yellow zone, extending from 9' to 45' west of east property line.

1418-1432 HAIGHT STREET - VARIOUS STORES

- a) At 1418-1432 Haight Street, revoke existing 109' yellow zone, extending from 77' to 186' west of Masonic.

1699 HAIGHT STREET - DUNKLEY'S LIQUORS

- a) At 1699 Haight Street, revoke existing 24' yellow zone, extending from 3' to 27' east of Cole Street.

AYES: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 235 feet of white and yellow zones, at the parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

RESOLUTION NO. 17-78

JOSEPH A. BERNAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph A. Bernal against the City and County of San Francisco in the sum of \$41.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1977

AYES: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

RESOLUTION NO. 18-78

BRUCE COHN

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of Bruce Cohn against the City and County of San Francisco in the sum of \$2,000.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: February 25, 1976

AYES: Commissioners Ciani, Gallegos, Murphy,
Toler, Siggins

RESOLUTION NO. 19-78

POLICE NARCOTIC FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$6,000 charging same to Appropriation No. 7.161.890.050 as an advance on the Police Narcotic Fund for the month of February, 1978.

AYES: Commissioners Ciani, Gallegos, Murphy,
Toler, Siggins

RESOLUTION NO. 20-78

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$4,000 charging same to Appropriation No. 7.161.890.000 as an advance on the Police Contingent Fund for the month of February, 1978.

AYES: Commissioners Ciani, Gallegos, Murphy,
Toler, Siggins

RESOLUTION NO. 21-78

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF JEREMIAH P. TAYLOR, POLICE OFFICER GEORGE ZUBE, FIELD OPERATIONS,

AND MICHAEL DANG, TRAINING RESEARCH ANALYST, PLANNING & RESEARCH, AT A FIELD MANAGEMENT TRAINING - PATROL OPERATIONS AUDIT AT KANSAS CITY, MISSOURI, FROM FEBRUARY 5, 1978 TO FEBRUARY 10, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief Jeremiah P. Taylor, Police Officer George Zube, Field Operations, and Michael Dang, Training Research Analyst, Planning and Research, be detailed to attend a Field Management Training - Patrol Operations Audit at Kansas City, Missouri, from February 5, 1978 to February 10, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Chief Taylor, Officer Zube, and Michael Dang, will be defrayed by the Integrated Criminal Apprehension Program.

AYES: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

RESOLUTION NO. 22-78

AUTHORIZING ATTENDANCE OF POLICE OFFICERS MARION JACKSON AND PAUL MAKAVECKAS, NARCOTICS UNIT, AT A NARCOTICS INVESTIGATORS TRAINING COURSE AT SACRAMENTO, CALIFORNIA, FROM FEBRUARY 6, 1978 TO FEBRUARY 17, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Marion Jackson and Paul Makaveckas, Narcotics Unit, be detailed to attend a Narcotic Investigators Training Course at Sacramento, California, from February 6, 1978 to February 17, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Officers Jackson and Makaveckas in a sum not to exceed \$514.00 each in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

RESOLUTION NO. 23-78

AUTHORIZING ATTENDANCE OF SERGEANT TIMOTHY THORSEN

AND POLICE OFFICER JOHN MURPHY, CRIME PREVENTION EDUCATION, AT THE SYMPOSIUM ON ENVIRONMENTAL CRIME PREVENTION PLANNING AT MILLBRAE, CALIFORNIA, ON JANUARY 31, 1978.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Timothy Thorsen and Police Officer John Murphy, Crime Prevention Education, be detailed to attend the Symposium on Environmental Crime Prevention Planning in Millbrae, California, on January 31, 1978, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Thorsen and Officer Murphy in attending this course in the amount of \$25.00 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Murphy, Toler, Siggins

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	63	61
Daily average for the week disabled	<u>104</u>	<u>100</u>
TOTALS	167	161
This is an increase of six (6) members off duty daily from the previous week.		
Daily percentage for the week sick		3.34
Daily percentage for the week disabled		<u>6.30</u>
TOTAL		9.64
Disabled at the start of the week		100
Started during the week		17
Returned during the week		12
Disabled at the end of the week		105
Net Gain or Loss		+5

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, DECEMBER 28, 1976 AT 2400 HOURS:

Daily average for the week sick	62
Daily average for the week disabled	<u>113</u>
TOTAL	175

Daily percentage for the week sick	3.15
Daily percentage for the week disabled	<u>6.79</u>
TOTAL	9.94

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY,
NOVEMBER 16, 1977 AT 2400 HOURS:

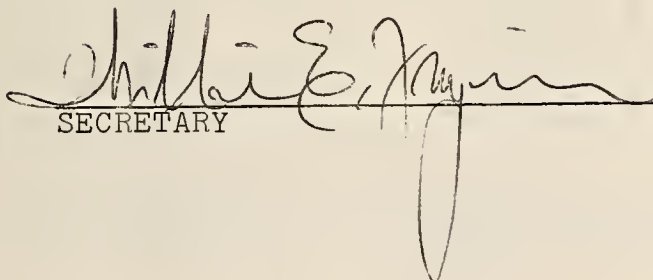
Daily average for the week sick	67
Daily average for the week disabled	<u>89</u>
TOTAL	156

Daily percentage for the week sick	3.48
Daily percentage for the week disabled	<u>5.37</u>
TOTAL	8.85

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Murphy,
Toler, Siggins

The Commission then adjourned its meeting
at 2125 hours.



SECRETARY

30 JANUARY 1978

SPECIAL MEETING

Minute

The Police Commission of the City and County of San Francisco held a Special Meeting with the San Francisco Police Officers' Association at 510 Seventh Street, San Francisco, California, on Monday, January 30, 1978 at 1715 hours.

PRESENT: Commissioners Murphy, Siggins

ABSENT: Commissioners Ciani, Gallegos, Toler

Commissioner Siggins presiding.

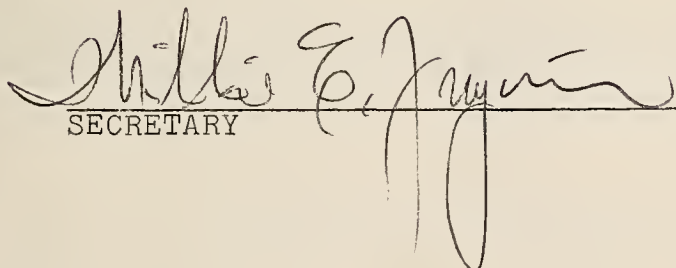
MEET AND CONFER

MAR 14 1978

1. Transfer Policy.
2. Civil Service Rule 19 (Limited Tenure Appointments)
3. Operating Budget for Fiscal Year 1978/79.

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The Meeting was then adjourned.



SECRETARY

1 FEBRUARY 1978

REGULAR MEETING

Minutes
The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, February 1, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Cianl, Murphy, Toler, Siggins

ABSENT: Commissioner Gallegos

MAR 29 1978

Commissioner Siggins presiding.

DOCUMENTS DEPT.
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SPECIAL AWARDS PRESENTATION BY COMMISSIONER MURPHY
TO FAMILIES OF PATROL SPECIAL OFFICER JOSEPH BOSWELL
AND POLICE OFFICER DOUGLAS GIBBS.

PATROL SPECIAL OFFICER JOSEPH BOSWELL

Commissioner Murphy: "When I was on the Board of Supervisors I wanted to be very sure that you received from the Board a Certificate of Honor and I will read it to you; 'This is a Certificate of Honor and Appreciation of Public Recognition and of distinction and merit to the family of Patrol Special Officer Joseph Boswell. 'A highly respected heroic and professional San Francisco Patrol Special Officer who on the night of May 3, 1977, gave his life for those who he so loyally served. He dedicated much of his life to making San Francisco a safer city in which to live and when finally called upon to take the ultimate risk a police officer can face, he willingly gave his life to save others. Joseph Boswell's sacrifice and that of his family will be forever remembered and deeply appreciated by those he so ably served and protected.' Signed by Quentin Kopp, the President of the Board, Gil Boreman and Jane McKaskle Murphy, Supervisor."

Commissioner Murphy also distributed some photographs to the family which were taken of the numerous police officers who were in attendance at the funeral.

POLICE OFFICER DOUGLAS E. GIBBS

Commissioner Murphy: "Mrs. Douglas Gibbs and Mr. & Mrs. Earl Gibbs; This is a Certificate of Honor from the Board of Supervisors of San Francisco and we have one for each of you. 'City and County of San Francisco this is a Certificate of Honor in Appreciation of Public Recognition of Distinction and Merit to the family of Police Officer Douglas Gibbs. A highly respected heroic and professional San Francisco Police Officer who on the

morning of September 26, 1977, gave his life for those who he so loyally served. His life as a father, husband and police officer was an example and all who knew Douglas Gibbs can take with inspiration and pride, Douglas Gibbs' sacrifice and that of his family will be forever remembered and deeply appreciated by those who he so ably served and protected. Signed by Quentin Kopp, President of the Board of Supervisors, Gil Boreman, Clerk of the Board, and Jane McKaskle Murphy.'"

Commissioner Murphy also distributed photographs to the Gibbs family which were taken of the funeral.

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief had no report to make to the Commission.

TRANSFER OF TAXICAB PERMITS - APPROVED

The matters of the transfer of the right to operate a taxicab by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfer of whatever rights, titles, or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approval contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFERORS</u>	<u>TRANSFEREES</u>	<u>NO. OF PERMITS</u>
Leon Lauris 6009 California St. San Francisco, Ca.	Lawrence Garvin 1225 Clay Street San Francisco, Ca.	1
Yong K. Park 321-19th Avenue San Francisco, Ca.	Yuji Miyagishima 605 Jones Street San Francisco, Ca.	1

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 36-78

REQUEST OF HOWARD GOLDSTEIN, HERBERT MEIER, AND ABRAHAM ENDZWIG FOR PERMISSION TO INCREASE THEIR JETNEY BUS PASSENGER LOAD FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS APPROVED FOR AN EIGHTEEN-MONTH TESTING PERIOD.

WHEREAS, Howard Goldstein and Herbert Meier requested by letter a hearing before the Police Commission for permission to increase their passenger load from twelve (12) passengers to fifteen (15) passengers; and

WHEREAS, the Police Commission heard the matter at its meeting of Wednesday, January 4, 1978, Wednesday, January 25, 1978, and Wednesday, February 1, 1978; and

WHEREAS, objections were received from Mr. Rod Bartholomew, Acting Deputy General Manager, and Mr. Louis Angeli, Assistant Transportation Superintendent, San Francisco Municipal Railway; and

WHEREAS, they stated that the Muni Railway is currently operating with a deficit, and that if these persons were permitted to increase their passenger load, as requested, it would continue to work a hardship on the Muni in their efforts to eliminate said deficit; and

WHEREAS, the Police Commission, after having listened to testimony on behalf of all parties, including Mr. Frank Mastro, Insurance Agent, the Police Commission adopted the following resolution:

RESOLVED, that it is the order of the Police Commission that the request of Howard Goldstein, Herbert Meier, and Abraham Endzwig for permission to increase their jitney bus passenger load from twelve (12) passengers to fifteen (15) passengers, be, and the same is hereby approved; and be it further

RESOLVED, that approval is granted providing that it is only for an eighteen-month trial period, and upon completion of said trial period the parties are to return to the Police Commission with reports on the results.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Gallegos

NOTE: Tape transcript on file in the Police Commission Office.

HEARING REGARDING FRIEVANCE 7-77 FILED BY ASSISTANT INSPECTOR MICHAEL WILLIAMS, (CONTINUED FROM THE MEETING OF JANUARY 25, 1978) CONTINUED TO FEBRUARY 8, 1978.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 37-78

CORDEAN GRAY, 1422 CLERK-TYPIST (C.E.T.A.), SUPPORT
SERVICES BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Clerk-Typist Cordean Gray, Support Services Bureau, as follows:

SPECIFICATION NO. 1

Reflecting Discredit Upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Subverting the Good Order of the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Clerk-Typist Cordean Gray, Support Services Bureau, be, and the same is hereby set for Wednesday, February 22, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 38-78

PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE
19 - LIMITED TENURE APPOINTMENT - APPROVED

RESOLVED, that the Police Commission hereby adopts the department staff proposal that Civil Service Rule 19, now in the process of being revised, be further revised by the addition of subsection 5 to Section 19.04A which will read:

5. For the uniformed ranks of the Police Department from among employees in the department in the next lower ranks who have completed non-Civil Service appointments.

AYES: Commissioners Ciani, Murphy, Toler

NAY: Commissioner Siggins

NOT VOTING: Commissioner Gallegos

NOTE: Transcript on file in the Office of the Police Commission.

TRANSFER OF TAXICAB PERMIT - CANCELLED

The request of the following-named persons for permission to cancel transfer of whatever title, right or interest they might have to operate a taxicab was approved; said transfer having been approved at the Police Commission meeting of Wednesday, January 11, 1978:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Hersh Karp 1690-25th Avenue San Francisco, Ca.	Charles McCall 237 Hillside Avenue Kentfield, Ca.	1

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 39-78

PROPOSED GENERAL ORDER ON TRANSFERS OF PATROL DIVISION AS RECOMMENDED AND AMENDED, ON MEET AND CONFER PROCESS WITH THE SAN FRANCISCO POLICE OFFICERS' ASSOCIATION.

RESOLVED, that the Police Commission hereby approves and adopts the transfer policy and procedures proposed by department staff as the department policy on that subject.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

NOTE: Copy on file in the Office of the Police Commission.

RECOMMENDATIONS OF THE TRAFFIC BUREAU -APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

150 GREENWICH STREET - SAN FRANCISCO BAY CLUB

- a) At 150 Greenwich Street, install a 44' white zone, to extend from 73' to 117' east of west property line.

1640-1644 HAIGHT STREET - BENEDETTI'S LIQUORS-HAIGHT STREET DELI

- a) At 1640-1644 Haight Street, install a 44' yellow zone, to extend from 6' to 48' west of east property line.

200 POTRERO - ANDERSON BROS MOVERS

- a) At 200 Potrero Street, install a 44' green zone, to extend from 20' to 64' south of north property line.

200 POTRERO STREET - ANDERSON BROS MOVERS

- a) At 200 Potrero Street, install a 44' yellow zone, to extend from 64' to 108' south of north property line.

49 POWERS - COMMUNITY CORNER INC.

- a) At 49 Powers, install a 22' yellow zone, to extend from 22' west of east building line.

1687 HAIGHT STREET - CENTRAL BUSINESS MACHINES

- a) At 1687 Haight Street, revoke existing 24' yellow zone, west of Cole Street crosswalk.

2108 O'FARRELL STREET - QUEEN CAFE, ROLLINS BEAUTY SUPPLY, PAYLESS CLEANERS, LA CROSBY STYLE HOUSE

- a) At 2108 O'Farrell Street, install a 22' yellow zone, to extend from 17' to 39'

west of east property line.

135 POLK STREET - DEPT. OF PUBLIC HEALTH

- a) At 135 Polk Street, install a 21' Special Truck Loading zone on meter #123, extending from 13' to 34' south of north property line.

1629-31 HAIGHT STREET- MAJORI CREAMERY

- a) At 1629-31 Haight Street, revoke existing 42' white zone, extending from 4' to 46' east of west property line.

1754 HAIGHT STREET - COAST FREE MARKET

- a) At 1754 Haight Street, revoke existing 36' yellow zone, extending from 9' to 45' west of east property line.

1699 HAIGHT STREET - DUNKLEY'S LIQUORS

- a) At 1699 Haight Street, revoke existing 24' yellow zone, extending from 3' to 27' east of Cole Street.

1418 - 1432 HAIGHT STREET - VARIOUS STORES

- a) At 1418-1432 Haight Street, revoke existing 109' yellow zone, extending from 77' to 186' west of Masonic.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 235 feet of white and yellow zones, at the parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 26-78

CALIFORNIA STATE AUTOMOBILE
ASSOCIATION (ALICE COOPER)

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of California State Automobile Association (Alice Cooper) in the sum of \$838.99 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Incident: March 1, 1977

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 27-78

ROBERT DARLING AND HIS ATTORNEYS
GUNLACH & PERKINS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Robert Darling in the sum of \$1,600.00 in Municipal Court Action No. 720-973 entitled "Robert Darling v. the City and County of San Francisco, a municipal corporation, San Francisco Police Department, and DOES "I" through "X", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 22, 1974

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 28-78

MADOLON DRITZ AND HER ATTORNEY
ROBERT W. MILLS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Madelon Dritz against the City and County of San Francisco in Small Calims Appeal to the Superior Court Action No. 13727, in the sum of \$731.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 15, 1977

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 29-78

SERGEANT ARTHUR W. GERRANS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sergeant Arthur W. Gerrans against the City and County of San Francisco in the sum of \$150.09 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 6, 1977

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 30-78

JORGE AND GLORIA
MESTAYER

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of Jorge and Gloria Mestayer against the City and County of San Francisco in the sum of \$1,500.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: September 14, 1977

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 31-78

NORMUNDS & DENISE TAURINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Normunds

& Denise Taurins against the City and County of San Francisco in the sum of \$49.62 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1977

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 32-78

TERI ZWEBEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Teri Zweben against the City and County of San Francisco in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 6, 1977

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 33-78

AUTHORIZING ATTENDANCE OF LIEUTENANT CHARLES BEENE,
STREET CRIMES UNIT, AT THE PUBLIC TECHNOLOGY, INC.,
SEMINAR IN BOULDER, COLORADO, FROM FEBRUARY 26, 1978
TO MARCH 1, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Charles Beene, Street Crimes Unit, be detailed to attend the Public Technology, Inc., seminar in Boulder, Colorado, from February 26, 1978 to March 1, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Charles Beene will be defrayed by Public Technology, Inc., a part of the National Institute of Law Enforcement and Criminal Justice.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 34-78

AUTHORIZING ATTENDANCE OF STAFF ASSISTANT VII DAVID L. SMITH AT THE COORDINATION MEETINGS WITH L.E.A.A. PROJECT MONITORS AT WASHINGTON, D.C., FROM FEBRUARY 5, 1978 TO FEBRUARY 13, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Staff Assistant VII David L. Smith, be detailed to attend the Coordination Meetings with L.E.A.A., Project Monitors at Washington, D.C., from February 5, 1978 to February 13, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$878 will be paid by the Integrated Criminal Apprehension Program.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 35-78

AUTHORIZING ATTENDANCE OF POLICE OFFICERS MICHAEL CONWAY, STEVEN HANSEN, AND WILLIAM TRANER, CRIME SPECIFIC TASK FORCE, AT THE PROPERTIES OF EXPLOSIVES COURSE AT BERKELEY, CALIFORNIA, FROM FEBRUARY 6, 1978 TO MAY 1, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Michael Conway, Steven Hansen, and William Traner, Crime Specific Task Force, be detailed to attend the Properties of Explosives Course at Berkeley, California, from February 6, 1978 to May 1, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Officers Conway, Hansen, and Traner in the amount of \$90.00 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

WEEKLY SICK REPORT

The Chief of Police, Charles R. Gain, submitted a report of members of the Department

off duty due to sickness and disability for the week ending Tuesday, January 11, 1978 to January 17, 1978 at 2400 hours:

	<u>PREVIOUS WEEK</u>	
Daily average for the week sick	63	61
Daily average for the week disabled	<u>104</u>	<u>100</u>
TOTALS	167	161

This is an increase of six (6) members off duty daily from the previous week.

Daily percentage for the week sick	3.34
Daily percentage for the week disabled	<u>6.30</u>
TOTAL	9.64

Disabled at the start of the week	100
Started during the week	17
Returned during the week	12
Disabled at the end of the week	105
Net Gain or Loss	+5

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, DECEMBER 28, 1976 AT 2400 HOURS:

Daily average for the week sick	62
Daily average for the week disabled	<u>113</u>
TOTAL	175
Daily percentage for the week sick	3.15
Daily percentage for the week disabled	<u>6.79</u>
TOTAL	9.94

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY, NOVEMBER 16, 1977 AT 2400 HOURS:

Daily average for the week sick	67
Daily average for the week disabled	<u>89</u>
TOTAL	156
Daily percentage for the week sick	3.48
Daily percentage for the week disabled	<u>5.37</u>
TOTAL	8.85

The report was ordered filed.

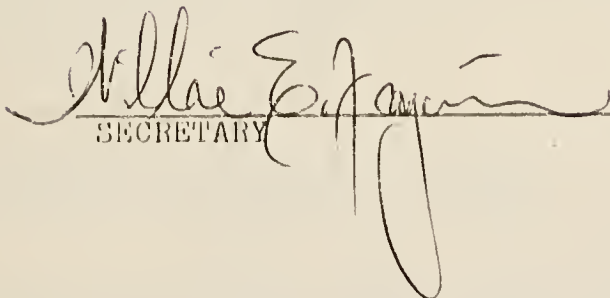
AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Gallegos

POLICE OFFICER WILLIAM E. KWARTZ - IN MEMORIUM

Communication was received from Chief of Police Charles R. Gain officially notifying the Police Commission of the death of Police Officer William E. Kwartz, Southern Police Station, who died on Friday, January 27, 1978.

The Commission then adjourned its meeting in memory of Police Officer William E. Kwartz.



SECRETARY

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8 FEBRUARY 1978

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REGULAR MEETING

Minutes

APPOINTMENT OF DR. DAVID J. SANCHEZ

SF

Commissioner Sigglia: "On behalf of the Commission, we welcome Dr. David Sanchez to the trials and tribulations of the Police Commission. I was unable to be in attendance at the swearing in of David Sanchez last Monday, but I know that at the time the Mayor received the acceptance of Dr. Sanchez that he was overjoyed. And we knew that Dr. Sanchez is probably the finest replacement for Commissioner Herman Gallegos within the confines of the City and County of San Francisco. We will miss Commissioner Herman Gallegos, but he has promised to come back to a Commission meeting within the next few weeks so we can make some kind of presentation to him at a time when both Commissioner Ciani and Commissioner Toler can be present. Welcome Commissioner Sanchez."

Commissioner Murphy: "I would like to add my congratulations, and welcome you aboard. Maybe it should be condolences, but anyway, we are glad you are here and I know you are going to add a great deal to our deliberations."

Commissioner Sanchez: "Thank you very much President Sigglia and Commissioner Murphy. I feel quite honored to serve on such a distinguished Commission in the City and County of San Francisco. I look forward to working with all of you and I feel it is quite an honor. Thank you very much."

POLICE COMMISSIONER APPOINTED

The Hon. Dr. David J. Sanchez, having been appointed Police Commissioner for the City and County of San Francisco by His Honor, Mayor George R. Moscone, was sworn in by His Honor George R. Moscone in the Mayor's Office, City Hall, on Monday, February 6, 1978.

His appointment as Police Commissioner reads as follows:

POLICE COMMISSIONER DR. DAVID J. SANCHEZ

THE CITY AND COUNTY OF SAN FRANCISCO

STATE OF CALIFORNIA

To all whom these presents shall come, Greetings:

Reposing special confidence in the fidelity and

ability of Dr. David J. Sanchez, I do, by these presents, by virtue of the authority vested in me by the Charter of the City and County of San Francisco, appoint him a member of the Police Commission in and for the City and County of San Francisco he to hold said office for the term ending January 15, 1981 from and after the fifteenth day of January 1977.

In testimony whereof,
I have signed my name and
have caused the seal of my
office to be affixed hereto
this 6th day of February,
1978.

(SEAL)

(Signed) George R. Moscone
MAYOR

Attest: Bernard D. Teltelbaum
Executive Secretary to the Mayor

The certificate of appointment was ordered spread upon the minutes of the Commission. Commissioner Sanchez then took his seat as Police Commissioner of the City and County of San Francisco.

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, February 8, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Murphy, Sanchez, Siggins

ABSENT: Commissioners Ciani, Toler

Commissioner Siggins presiding.

The members of the Commission and the Chief having been furnished copies of the minutes of the meetings of December 14, 1977, December 21, 1977, December 28, 1977, January 4, 1978, and January 11, 1978, and they having returned amended copies of same, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gahn: "Mr. President and Members of the Commission, I want to report on two items tonight. One being responding to the request by the Commission for a report on the issue of the Airporter Bus Company, whether it was operating legally in San Francisco. But I wonder if we should defer that because I don't think the principals are here. Do you want to entertain this first, Mr. President?"

Commissioner Siggins: "Do you have another item?"

Chief Gahn: "The other item is that I have delivered to you tonight a preliminary report which reflects the status of crime in January, 1978 as compared to January, 1977. And it reflects an overall decrease in crime of 19%. It has substantial decreases in murders, robberies, aggravated assaults, burglary, larceny, and motor vehicle thefts. The one serious crime that shows an increase is forcible rape, where we had a 26% increase in January of this year as compared to January of last year."

Commissioner Murphy: "Ten more."

Chief Gahn: "Yes, ten more. So what is reflected, and whereas we had an approximate 8% decrease for the year 1977, compared to 1976, we are having a favorable decrease for the month of January."

Commissioner Murphy: "Have you any idea why the incidents of rape have gone up so much in this one month?"

Chief Gahn: "We will have a definite answer to that Commissioner as we are doing an analysis now of the rapes which occurred in January, as to where they happened, how they happened, how many occurred, what street, and what time of day. We should have that report by next week's meeting. Of course we will also use that analysis for public education, and use it in our crime prevention material that goes to the newspapers and so on."

Commissioner Siggins: "On the consent calendar you ask for approval to send the Criminologist to Orange County for a workshop on rape evidence. Is that right?"

Chief Gahn: "Yes. That will be a one day seminar that will be very significant to us when it comes to evidence analyzation."

Commissioner Murphy: "Is the department that is running

that seminar, headed by the Chief that was written up in New West. I think it was one of those magazines some time ago that did such a terrible job training, is that it or is that the same department?"

Chief Gahn: "Are you referring to Santa Monica?"

Commissioner Murphy: "No. It's some place in Orange County."

Commissioner Murphy: "He wasn't the one that was written up in New West?"

Chief Gahn: "The one that was written up in New West, I think, is Chief Ray Davis of Santa Monica."

Commissioner Murphy: "O.K. In whose office is this seminar?"

Chief Gahn: "It's in Orange County itself. But as I recall it's a group of criminalists they are just putting on a one day special training. Well it's sponsored by the Sheriff's-Coroner Department of Orange County. So it's the Sheriff's Department, Santa Ana. So that's not the same person you are referring to. I think, Mr. President, that the principals may be here on the second phase of the report, if the Commission would like to entertain that. On the taxicabs, Are the principals here?"

George Penz, President, DeSoto Cab: "The taxicabs are here but the Airporter is not here."

Commissioner Siggins: "Are they coming?"

Deputy Chief Mullen: "I don't know. I don't know if they are going to show up. What we are responding to is a letter by somebody else about them."

Chief Gahn: "If we may proceed then Mr. President, I'll have Deputy Chief Mullen convey the report to the Commission on our findings which will result in recommendations if the Commission feels appropriate for a City Attorney's opinion, or opinions."

Deputy Chief Mullen: "On January 18th, the Police Commission awarded 23 inter-urban bus permits and 3 stretch sedan bus permits to Airporter Inc. Subsequent to that, the Commission received a letter dated February 1st, 1978, from Mr. James Steele, Mr. Patrick Shannon of the Yellow Cab Company, which

let the Commission direct staff to investigate and to report to them on. I will do that, and the way I would like to do that is to read the letter so that I can respond to every subject matter that comes up on the letter. The letter reads: "Today, February 1st Airporter Bus Company began operations in violation of several sections of the Police Code. The large 55 passenger busses are roaring, smoking around Nob Hill making numerous unscheduled stops. At ten thirty this morning Airporter bus TCP318 picked up passengers at the Fairmont Hotel, at ten forty-five Airporter TCPA104A picked up at both the Huntington and the Fairmont. It goes on to say that Section 1166 of Article 16 of the Police Code defines an inter-urban bus as a self-propelled motor vehicle other than a streetcar or railway car or jitney bus, used for transporting passengers for hire, over and along the public streets between certain definite points or termini, one within and the other without the limits of the City and County of San Francisco. As you recall, perhaps, at the January 8th meeting, the subject was raised as to what that section actually means. A literal interpretation would compel a definition that means that there would be one place outside the city and one place within the city where these busses could pick up and deliver passengers. As part of the file on this case, and as referenced in the meeting of January 18th, there is an opinion #1556, dated July 13, 1961 from the then City Attorney Dion Holm which has a part of a subordinate part of that opinion which is not directly on the point of inter-urban busses, which defines, however, an inter-urban bus. And it defines it as such: "The term inter-urban bus rather, must be construed in it's traditional sense of meaning a vehicle employed in intra-state service between contiguous or near contiguous urban centers which makes a substantial use of the city streets in picking up and discharging passengers along it's assigned route." There seems to be, to me and to our legal staff, a possible conflict between those two interpretations. The one a literal interpretation of the ordinance and the other a dictum interpretation made in 1961 by Mr. Dion Holm. The only way we feel that that can be satisfactorily resolved, would be by the department asking for a formal City Attorney's opinion from the City Attorney as to what that means. So I request that you direct us to get that, or allow us to get such a City Attorney's opinion. The letter goes on to say that section 1168 requires every person, firm or corporation to apply for and obtain a permit from the police department before operating such a bus. However, the police department has discretionary powers to revoke any permit issued under the above-mentioned provisions. Section 1168 does require such and the Airporter Inc., does have the permits. The letter states further, we seek the intervention of the Police Commission in this matter, because in addition to the many violations of the Code, the action is a direct contradiction of testimony given to the Police Commission at the transfer of the Airporter bus permit. At that time Airporter President Leon Leonoudakis firmly ruled out any plans to operate this kind of service with that operation. First of all, in the entire letter the only specific code referenced in section

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1166 which has to do with the definition of airporter busses and by the inclusion of 1168 requiring a permit, there are no other violations mentioned within this letter. Sectionally, I went through the entire transcripts of both January 11th and the January 18th letter of the Commission meetings and nowhere in there did I find a direct contradiction between the testimony given by Mr. Leonoudakis and the activity he is now performing. A question was asked to him numerous times as to whether he intended to operate within more than one point in San Francisco, he answered that he, every time, that he did so intend to operate. However, he did say that he would not operate one bus, the same bus among different points within San Francisco. In the sense that he would not take one bus from the airport, pick up a load at the airport terminal and then go to the Fairmont and then back to the airport. He did say that he would not do that, and our investigation has produced no evidence that he is not, in fact, doing that. What he is, in fact, doing that we can demonstrate to an absolute certainty is, he has some busses that go from the airport to the airport terminal, and he has some busses that go from the airport to the Fairmont Hotel. Now, if it is determined, based on a City Attorney's opinion, that we asked to make, that, in fact, it does mean, termini means one place within the city, then he would be in violation of that ordinance."

Commissioner Murphy: "May I interrupt for just a second Chief? 1167 refers to what provision? 1166 is the definition of airporter busses, and then 1167 you say was the other provision that has been....."

Deputy Chief Mullen: "1166 is the definition of an inter-urban busses, 1168 is the one that requires a permit, 1167 is sightseeing busses and inter-urban busses as here and above defined or hereby declared to be common carriers and subject to the regulations hereinafter described."

Commissioner Murphy: "That is 1168 that you were referring to."

Deputy Chief Mullen: "That is the one that requires a permit."

Commissioner Murphy: "From the police department?"

Deputy Chief Mullen: "Yes. The letter goes on to state however, Mr. Leonoudakis evidently feels that if Lorrie's Tours and Travel can operate without a city permit in complete violation of several sections of the Code then certainly he too should not be held back by Municipal regulations. We don't know with absolute certainty with absent that a definitive City

Attorney's opinion that he's in violation of any ordinance. For the sake of completeness I will read the whole thing here. 'Lorrie's picks up at several hotels transporting passengers from one hotel to another, in and out of restricted zones, and then on to the airport. They have flooded the streets with mini busses, they have taken a great share of the hotel airport transportation business without their number or their insurance coverage regulated by the City of San Francisco.' That is another issue, the issue of Lorrie's, it is my understanding that it is presently before the P.U.C., to find whether a determination can be made as to whether a city permit is even required of them. I may be wrong though. 'Any vehicle or operator that picks up passengers within the City and County of San Francisco should rightfully have a permit to do so. Then they said what can be more unfair than to regulate some but not others. What is more disturbing and conceding than the right to regulate transportation services giving away the tax base of the city. Please issue a seize and desist order against the Nob Hill operation of the Airporter Bus Company. We feel a second order to seize and desist is due to Lorrie's Tour and Travel Company, pending the filing and granting of an application for inter-urban bus permits.' In summary then, the whole question in regard to any violation of any city ordinance turns on an interpretation of the definition of an inter-urban bus. We have a literal interpretation, we have a 17 year old City Attorney's opinion that suggest otherwise. It doesn't definitely state that. We would like to ask the City Attorney to put the question to rest once and for all. And beyond that, in regard to the mentioned Lorrie's and the Airporter, Inc., we would like to ask the City Attorney to what extent we can regulate inter-urban busses that come within the confines of San Francisco beyond the very broad regulations that exist with the P.U.C."

Commissioner Siggins: "O.K. I think the whole issue should be explored by the City Attorney, presented to us and then possibly presented to the Board of Supervisors so that they can understand whether they want to keep this code as it is or whether they want to work on it some more. We transferred to the Airporter Corporation permits that were originally held by Barrett Transportation Company. Mr. Leonoudakis took the position that the permits that Barrett had permitted the type of thing that his corporation is doing now. We frankly don't know whether it is proper or not, or legal or not. And secondly, there is a question of Lorrie's, that is to the cab outfits, are complaining about the way they are operating, that they are operating as I understand it, under a state P.U.C., permit and we know that some of those things overlap and we don't know enough of that particular aspect of the law even in the sightseeing field that we are still studying, so I suggest that we do ask the City Attorney for an opinion, because the letter that the New Yellow Cab Coop wrote last week cites a lot of Code violations, but do you know of any other Code violations, Mr. Steele?"

William Lazar, President, Luxor Cab Co: "1183 of the Board of Supervisors."

Commissioner Siggins: "No, that's not it. Let me talk to Mr. Steele. Do you know of any other Code section that you or Mr. Shannon can refer to Mr. Steele?"

Mr. Steele: "Not that I sighted, Mr. Siggins."

Commissioner Siggins: "O.K. Mr. Lazar says 1183 of the Board of Supervisors and I don't think that's a Code violation."

Mr. Lazar: "Yes it is."

Commissioner Siggins: "Well 1183 of what?"

Mr. Lazar: "1183 is the operation of an inter-urban passenger motor bus within some certain areas is prohibited. Now that was amended 6/17/77."

Commissioner Siggins: "O.K, we will look into that too then."

Inspector Byrne: "I don't believe the Fairmont Hotel is in a restricted area."

Mr. Lazar: "I agree with you."

Inspector Byrne: "Then Airporter Inc., would not be in violation of Section 1183."

Mr. Lazar: "Well if they are, they go down Montgomery Street....."

Commissioner Siggins: "O.K. We are going to ask for a City Attorney opinion. If you want to make some suggestions on any other code sections, you may do so."

Mr. Lazar: "Well yes. The other Code, I think Supervisor Murphy will probably realize, I don't think you were on the Board in January, were you Supervisor?"

Commissioner Siggins: "What is the Code?"

Mr. Lazar: "I think it was 1078.1, the whole section was deleted by the Board of Supervisors on the open stands situation....."

Commissioner Siggins: "Now that really didn't apply to Airporter busses that wouldn't be the issue at this time."

Mr. Lazar: "Well if you go through 1078 and I think 1068 or that 1078.1, the whole section was deleted and it causes uncontrolled regulations on taxicabs and everybody else, and with the open stands. Commissioner I would like to say, you know, I don't know whether you heard or not, there has been a lot of problems by the drivers picketing Nob Hill, and now they are picketing the Airport Terminal. It's depriving these drivers from at least a 2 dollar trip to the airline terminal."

Commissioner Siggins: "We are not going to really try to decide the boundaries....."

Mr. Lazar: "I think at least we can ask for a seize and desist on this and let him use the airline terminal. Now his gimmick was that he has to close the airline terminal because the Oakland Hotel is taking it over. I think as of now, let them use the airline terminal....."

Commissioner Siggins: "Mr. Lazar, we don't know what the law is, whether he has a permit to do that. We asked the department for advice on that and they can't make up their mind on what the law is. So how can we set....."

Mr. Lazar: "In the meantime the drivers in the City and County of San Francisco are deprived."

Commissioner Siggins: "I understand that."

Mr. Lazar: "And I think the Police Commission should do something about it. I think Leonoudakis came up here and sat right in front of you and told you that he was only going to use the airline terminal."

Commissioner Siggins: "That is not true, Mr. Lazar. I told you that....."

Mr. Lazar: "I heard it with my own ears. I don't want to argue with you Mr. Siggins."

Commissioner Siggins: "Well I will argue with you, but because we have had that, we have gone through it, we have checked the transcript and he never said that."

George Penz: "That night of the 18th we were talking

about the difference between inter-urban and inter-city and inter vs. intra. Now my understanding was that without 1078 B or A whatever it is, you agree that they were granted by your Commission the right to pick from a terminal to another terminal."

Commissioner Siggins: "That's not true Mr. Penz. The point was that we asked them if they wanted to limit it to that, and they would not accept it. They wanted the transfer of the original Barrett permits that came out of the court. So we transferred those permits and we gave, with those permits, the same rights and privileges that the Barrett people had. Now just because the Barrett people never did this, never went to the Fairmont Hotel, doesn't mean to us that they couldn't do it. That's why we are asking to find out what the law is on that."

Mr. Penz: "In this investigation of what transpired that night somehow or somehow I heard or thought I heard you say that he had the right to pick up at the airport terminal to a specified terminal in this city. One within and one without and you were going to let everything else be held in abeyance pending some other interpretation. But that night you granted them just that one specific province. Am I correct in that?"

Commissioner Siggins: "No, we transferred the Barrett permits."

Commissioner Murphy: "That's true we did. But I think it was, or at least it was my understanding that that was going to happen, that they would pick up at the airport terminal and take people to the airport and return them to the terminal. But, in the meantime we discovered, and he did not say one way or the other, but that was the assumption I made and I think that probably some of the rest of us made, I don't know, I can't speak for the others, the thing that, the kicker in this unfortunately is or fortunately for him, is that he doesn't use the same bus, in other words, his understanding was that if he picks a place, it could be the Fairmont or the Palace or the Huntington or whatever, and he picks up people there and takes them to the airport he is fulfilling his permit. And as I understand it, his permit obligations. And he picks up and brings them back there in one bus. I don't know what you want to call it but it has a number obviously, TCPA or something like that, and in another bus he picks up people at the terminal and takes them out to the airport and brings them back to that particular terminal. Now that is a gimmick in the law, but we, right now, want to find out if that is correct. And the only person that can tell us is the City Attorney's Office as far as I know. And that is what we are going to do."

George Penz: "He also said he was going to ask about termini, Deputy Chief Mullen that is, it is my under-

standing that you told him that he could go inter-urban from one place...one terminal to another terminal."

Commissioner Murphy: "That is what he is doing, but he is also using another bus for each one."

George Penz: "Is the Fairmont considered to be a terminal?"

Commissioner Siggins: "Mr. Penz, do you want us to answer on the law or do you want us to get a City Attorney's opinion? I'm not going to give you an opinion on it."

George Penz: "I was just considering that when you said that he could go from a terminal to a terminal were you considering...."

Commissioner Siggins: "I didn't say that, I don't think that was the rule then."

Commissioner Sanchez: "Mr. Chairman, if I may, I think again there are a lot of points that are being raised here this evening, and I read the minutes of the last meeting, but not participating in, previously to this, but it seems to me that the basis of the recommendation this evening before the Commission is the fact that the legal interpretation is a question mark, and, therefore, the administration is recommending to the Commission that we expedite an opinion from legal council or the City Attorney's Office, so this way we will have an official opinion. I believe there is a citation a 17 year old Code interpretation that really was not one way or the other. I am not an attorney so I could not figure out these eleven sections, 1, 2, or 3. I'm sure you will have ten million different opinions. I am suggesting, that this referred to the City Attorney's Office, if we could put a sort of expedite on it from this Commission saying we would like an opinion as soon as possible, because there are perhaps many varying circumstances, and I would suggest that some of you that have additional concerns or information or interpretations, should write to the City Attorney or to the Commission, which, in turn, could forward those for his review. But I again think that we could have discussion, interpretation and we would still not have the facts because legal council of the City Attorney's Office has not given us the hard data to say this is what the situation is at this point. So we could talk for many, many hours and we would still not have the hard information by which we could make a rational decision at this point and that's why the administration is referring to the City Attorney's Office. So I would suggest that we not continue to discuss things, which at this point, are academic because we don't have the actual information, legal opinion."

Commissioner Siggins: "Right. Thank you Commissioner Sanchez. I think, furthermore, the City Attorney should take into consideration the contract the Airporter Bus has with the Airport, the City Contract in regards to transportation. And then if the cab people don't like it, or the Jitneys don't like it, or if any other group doesn't like it, they can go and get the Code amended. We are just trying to find out what the Code means."

Richard Byers: "Can I ask one question, Mr. Siggins please?" My name is Richard Byers. Mrs. Murphy did you know that they take one bus and they make four stops on Nob Hill? They start at the Fairmont or perhaps the Huntington, then they go to the Mark and the Fairmont, and then to Stanford Court all in one bus."

Commissioner Siggins: "Is that what Lorrie's does too?"

Mr. Lazar: "Lorrie's does everything."

Richard Byers: "They do stop at four stops and then go to the airport."

Commissioner Murphy: "With the same bus?"

Richard Byers: "Yes, with the same bus. They wouldn't have a big enough load with just one hotel. If they go to the Wharf they will cover six hotels in the Wharf with one bus."

Harry Sianco, Jr: "Mr. Siggins, Mr. Harry Sianco, Jr., a point of question. May I ask also for a recommendation for the Safety, Traffic Safety check be taken on, also the usage of this traffic for 54 foot vehicles in addition to the actual traffic that's in the area? This is up above and beyond the legality of it. I would like to ask staff for recommendation of the safety factors."

Commissioner Siggins: "O.K."

Mr. Steele: "Mr. Siggins, I would like to ask you one question. I asked you through the Chair sir to Mr. Leonoudakis on the January 11th meeting, I asked Mr. Leonoudakis, that I had information that he was going to operate from the Fairmont and the specific route he was going to use, which I defined. Being California to Leavenworth, to Sacramento to Gough and to the airport. He flatly denied this to the Commission that he was intending to use this, as you recall, sir."

Commissioner Siggins: "I really don't recall that,

I remembered that...the suggestion was made that they wanted to operate from hotels. And I got that from those suggestions and he claimed that he had the right to it. He wasn't doing it at the time."

Mr. Steele: "Well on the January 11th meeting, Commissioner, he flatly denied that he had any intention of operating from the Fairmont. He said why would I do that, I have a lease at the Hilton which has a decade to run. That was the way he expressed that. And he flatly denied that he would go to Nob Hill with the busses. I specifically asked through the chair about this and he said no he had no intention of that and he certainly was not going to do it. But come February 1st, that's exactly what he did. And I even expressly gave the date that he was going to do it."

Commissioner Siggins: "Well, you've maintained in your letter Mr. Steele, and I guess now that it is operating against the law. We are trying to find out if it is or not."

Mr. Steele: "Well, plus the fact sir, when we did protest the, in essence, protest the transfer and it was then put over for a week, it was subject to all of these things being understood, is my understanding anyway. And with him saying that he was not going to do this, I felt that this was part of the reason that the permits were transferred with no further protest."

Commissioner Siggins: "We recognize that it was protested. But he had the right to have it transferred because the Commission voted on it that way. Now the question is what the permits allowed, and that is what we are trying to find out."

Mr. Arthur Lempke: "Mr. Siggins, in your recommendation to whatever powers that be, I would also like to speak for the drivers, although I am an owner of the Yellow Cab, I am one of the owners of Yellow and I am driving ten hours a day. These cab drivers are not going to stand for making 15 or 16 dollars for a ten hour day. And sometimes less, and sometimes not make the gates in gas. The hotels need our services, we provide to go anywhere they want to go, to the Wharf, Trader Vic's, anything. And it's not fair to leave us the garbage, and see our short loads and our long loads taken away. And I hope you will consider this in your recommendation. Also with the Lorrie's Tours, they are allowed to go and advertise for a 4.50 fare, where we cannot group load our cabs to go to the airport and say we can take these people for 3 dollars a head, we could do it cheaper than Lorrie's and we are not allowed the same type of situation. And I think it's terrible. And I just would like to hope you can recommend that along to your.....But if these drivers don't make a living, the city will not have cab service. And I hope this

will be taken into consideration and no whatever..."

Mr. Lazar: "Mr. Chairman, last night at the Fairmont Hotel Association, Douglas Hartfelt called and we got together with the Fairmont, Mark Hopkins, the Stanford Court and the Huntington Hotel. We met with them because the drivers, on their own, were picketing the hotel. So we got around the table and I asked the executive director of the Hotel Association to come up here and present the problem. Now what is being hurt is the public. And this is the thing we have to consider. Huntington, or the Mark Hopkins, will not drop their loads there, they are being in violation when they are refusing to convey which they are going to do. So we tried to rectify this last night. So we took it upon ourselves and we told those drivers, which we had no authority to do it, but we asked the drivers to go away and to go up in front of you today to see what you can do about it. I understand your hands are tied, we understand that, but the thing is, I have the man from the Hotel Association, and I asked him to come down here and talk to you, because they were very concerned last night and all day yesterday. The public was being abused, and are being deprived of service at those hotels. And I can understand it. Number one that bus has no business parking up there, they don't have a stand. A stand is a white zone. They get up there, and yesterday afternoon, at 5 o'clock, if you would have gone up on Mason Street, there was 15 busses there to pick up those big operators of Corporations, to take them to Pier 35 or to some cocktail party, and you couldn't move up there. Now the hotels on Nob Hill are being deprived of this service for the last 24 hours. And what's going to happen is the drivers are going to do the same thing. Not only at the Fairmont, but evidently all over the city. Now I don't condone Lorrie's Travel, I just complained about Lorrie's Travel and it's not your jurisdiction, because the state P.U.C., had issued the license because of a loophole in their ordinance, it's not your problem. The problem is, when they are operating these mini vans and hauling 14 people in the downtown area which is a violation of 1183, and I complained about it, and insurance is only 100 to 300 thousand dollars on 14 people, when we carry in our cabs 1 million dollars. And the independents that can't be self-insured are carrying 100 to 450 Thousand like the ordinance calls for. But what's going to happen if the Nob Hill hotels, I understand he got an injunction, is that right Mr. Douglas?"

Mr. Douglas: "That's right."

Mr. Lazar: "A temporary restraining order, we don't want to see this kind of thing; it's going to lead to violence. And I think Steve Leonoudakis has got enough things going. Now I think it was working beautiful at the airline terminal. We all cooperated, all the way through the system. And all of a sudden now he is using Lorrie's Travels as an idea to...if he can do it, I can do it. But Lorrie's Travel charges 4.50. I don't condone it, I don't approve it, don't get me wrong. But I think Leonoudakis's Airporter is doing the wrong thing. Now the airline terminal is being violated because the drivers are picketing the airline terminal. Now those people that come into the airport are not going to be able to get cabs, they will carry

their luggage to the Hilton Hotel and get a cab from there. Now this is not fair to our tourists. And I think something should be done and it should be done immediately because the drivers told us last night if we don't do anything and speak up for them tonight, they are going to do the same thing as soon as they leave this chamber. I don't want to see that. But I think some way you can direct the Chief, to tell Leonoudakis one way or another to stay clear till we can get this clear with the City Attorney, and see what happens. It can be done, you can order it. Those are your permits, you gave them to them. And I think you can regulate them on them. And I think in the fairness to the public and to everybody else, I think this we did demand. Now when we didn't buy those stands for the hotels, every one of our cab drivers were cited because of that 80 dollar tax. It seems like everybody else doesn't get cited when they violate. I think it's unfair Commissioner. And I think fairness should be treated finely. The fairness, not only to the public but to the drivers. These people all pay their taxes here, they pay their business taxes and everything else. And I think that they are mistreating our citizens plus the public, plus the tourists. And if these hotels are going to be deprived of a cab, what's going to happen if a person goes down to a hotel to get a cab and wants to go someplace? Think of that. That is what is hurting the public. Now that is our first concern, the public."

Mr. Lempke: "May I speak on another issue of the public that doesn't get served on account of this kind of situation? First of all, each and every one of us drivers when we go out to the airport we pay 1.50 to the airport parking lot, which is a lot of money to the city of San Francisco yearly. When we go out there and we have to wait 3 hours to get a ride back, it interrupts the flow of the cab service to the Avenues. Say you go out to the airport and a person in that airport lives on 45th and Taraval, so you go out to 45th and Taraval and you drop him off and you wait for a radio call in that area so you can service that area and come back, when you are tied up in the airport parking lot for 3 hours with a whole bunch of cabs, the whole outer areas suffer and you can even look at the radio calls and see how much longer the time takes to service these people because we are tied up for that 3 hours, and we can't make any money at all. And we still pay the city 1.50 per cab for that privilege and if we get two shorts in a row, say we get a small short to Burlingame or something and come back then we turn around and pay the city another dollar fifty. And this amount of money we spend doing that, and the people in the Avenues, I think that we both deserve a little better break. Thank you."

Commissioner Siggins: "Well, I think the solution is this, I mean, we are going to get that City Attorney's opinion and check into the operation of the Airporter Busses at the present time and try to get that as soon as possible. We will ask the department to enforce all

traffic laws of any busses here in San Francisco, especially around the hotels. And the people that have talked here tonight have indicated that there is, in fact, a violation that has to be straightened out. So we will get that straightened out, and in the meantime it's a question of the law that we want to get solved, and we have to ask the taxicab people to service the public while we are trying to resolve the law, if the law is something which we don't like the interpretation, I think then we are going to suggest to the Board of Supervisors to limit the operation of that Airporter bus."

Mr. Lazar: "Commissioner, you seem to forget again that the state P.U.C., supercedes the City and County."

Commissioner Siggins: "This is what the City Attorney is going to tell us. We have already covered this, Mr. Lazar."

Mr. Lazar: "But you can regulate the Airporter bus because you have given them a permit also. Lorrie's is not under your jurisdiction."

Commissioner Siggins: "Look Mr. Lazar, I might be a little bit testy with you, but I think we have tried to give you an awful lot of service over the years with working out a lot of these problems, and we understand we are still doing it, but we are still trying to follow the Police Code....and yes sir?"

Richard Byers: "I believe there is a technicality here that there was a section in the Police Code that was taken off the books last January. I think Ken Murray knows about it, which gave the police power, the city police at that time, the powers to regulate traffic, to somewhat regulate traffic, from the airport to the city. When that expired, when Yellow's contract collapsed, as I have been told by the police department they no longer can regulate."

Commissioner Siggins: "Well we will have to look into that."

Commissioner Murphy: "I would like to ask the Chief this. I am a little bit concerned, in fact, I am quite concerned about this idea of certain sections of the city being flooded by vehicles, particularly large ones. I think that is somewhat a separate issue, isn't it from the legality of their being there or not being there, but does the department have the authority to say, 'Look we cannot have this many vehicles on the streets of the city?'"

Chief Gain: "It would have to be by ordinance. And we would enforce the ordinances. I understand that the

white zones that they are referring to, there was an ordinance of an 80 dollar fine that was taken away."

Commissioner Murphy: "No. I meant the flow of traffic."

Chief Gain: "Only to the extent that there is specific city ordinances which state law. Double parking and things of that nature. We don't have any unilateral power to make decisions. No. It would have to be based upon specific Vehicle Code sections regulating parking, or specific ordinances as for example, one which specifies areas in which certain vehicles cannot go. Then we would enforce those. We've taken notes on the parking problem areas that they have pointed out, and we will certainly investigate that to the extent of enforcement action can be taken, it will be taken."

Officer Ken Murray: "Maybe I can add something to this. You have a passenger stage corporation permit issued by the state P.U.C., and you have another classification called charter party carrier. And these are readily accessible to anyone who wants to apply for one. However, they have been a constant source of irritation to the taxicab detail, and they too come under the new regulations that are being considered by the State Legislature. But I just wanted to let you know that there are two classifications of vehicles for hire issued by the state."

Commissioner Siggins: "I don't think we need a motion."

Commissioner Murphy: "Well, if we need a motion, I move....."

Commissioner Siggins: "I don't think we do because this was heard in connection with the Chief's report."

Commissioner Murphy: "What do you think our chances are for getting a quickie out of the City Attorney's Office?"

Chief Gain: "We will do the best we can."

Joe Ruiz, Lorrie's Travels: "How long? How long will this take?"

Chief Gain: "I don't know. Sometimes it takes months and months and months to get a response."

Mr. Lempke: "Well, we are not going to wait months and months and months."

Chief Gain: "Well, I can't tell you what it will be, but we will do our best with the City Attorney himself and try to get a very expeditious response because we recognize the significance of this and we will do the best we can, and then we will follow up as time goes on and try to expedite the response."

Joe Ruiz, Lorrie's Travels: "We requested a City Attorney's opinion on July, I mean on January 24th."

Commissioner Siggins: "The problem is that Lorrie's can't tell somebody to get a City Attorney's opinion. It has to come from the department. We have a copy of that letter Mr. Clapp wrote to me. O.K. Chief?"

Chief Gain: "Yes sir. That concludes my report."

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the right to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfers of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFERORS</u>	<u>TRANSFEREES</u>	<u>NO. OF PERMITS</u>
New Yellow Cab Cooperative 695-8th Street San Francisco, Ca.	Henry C. Hankel Jr., 6091 Country Club Dr. Rohnert Park, Ca.	1
Ronald Perkins 231-8th Avenue San Francisco, Ca.	Nils Vanatrom 1505 Susan Court San Mateo, Ca.	1
New Yellow Cab Cooperative 695-8th Street San Francisco, Ca.	Johnnie Leroy Walker 3025 Castro Street San Francisco, Ca.	1

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

TRANSFER OF TAXICAB PERMITS - CONTINUED FOR ONE WEEK

The following taxicab permit transfers were continued

for one week due to incompleted papers filed with the Police Commission:

TRANSFERORS

Herman H. Wikkeling
129 Broad Street
San Francisco, Ca.

Herman H. Wikkeling
129 Broad Street
San Francisco, Ca.

TRANSFEREES

Chows, Inc.
670-5th Avenue
San Francisco, Ca.

Lee's Brother Inc.
705 Balboa Street
San Francisco, Ca.

(Continued to the Police Commission meeting of February 15, 1978.)

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

TRANSFER OF JITNEY BUS PERMIT - APPROVED

The matter of the transfer of the right to operate a jitney bus by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a jitney bus to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

TRANSFEROR

Anita G. Treniso
136 Lisbon Street
San Francisco, Ca.

TRANSFEE

Nazzareno A. Andreoli
136 Lisbon Street
San Francisco, Ca.

NO. OF PERMITS

1

Route: Mission Street - Ferry to Sickles Avenue

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Murphy: "I was with the Awards Committee along with the Captains, and Deputy Chief Amoroso. We awarded ten Silver Medals of Valor, and 9 Bronze Medals of Valor, and one Meritorious Conduct Award.

I would like to suggest to the Commission that Officer Frank B. Iavarone who was transferred to the Fire Department some time ago and was awarded a Silver Medal of Valor along with Officer Gerard Neybert, however, due to the fact that Officer Iavarone climbed up a pole,

actually it was a drainage pole, to save a life which was very dangerous as the building was burning and the victim had no other means of escape, I recommend he be awarded a Gold Medal instead. He only missed it by one vote. And we would like to change that from Silver to Gold. I so move."

Commissioner Siggins: "It is recommended that the Commission adopt the recommendation of the Awards Committee from the Chair."

Commissioner Murphy: "I have two other recommendations also. Lieutenant Michael A. Brush missed a Silver by one vote, he was instrumental in saving a suicidal woman from drowning at Ocean Beach. Officer Susan Pavlov who participated in the rescue was given a Police Commission Commendation which I would like to have raised to a Bronze Medal but I understand from Captain McFarland we can't do that legally. Actually, what happened was Lieutenant Michael Brush waded out at Ocean Beach about 120 yards, which is along way to go with that undertow to effect the rescue. The woman was very violent and Lieutenant Brush seemed to be having difficulty, the younger woman officer waded out 25 feet to help. For a woman who weighs maybe 110 pounds, this is quite a feat of bravery. I happen to be an ex-lifeguard and I know that this is very dangerous business. But anyway we can't give her a Bronze Medal but we would like a Silver Medal for Lieutenant Michael Brush.

And the last officer that I would like to change the award from a Bronze Medal to a Silver is Officer Walter Kliegel. This officer faced a deranged suspect with a shotgun. The suspect fired several loads from that shotgun and pointed it at Officer Kliegel. He also missed a Silver Medal by one vote and I would like to change his award to a Silver Medal, and with those changes, I would like to suggest that the awards of Silver Medals and Bronze Medals for the Awards of Valor be accepted by this Commission."

Commissioner Siggins: "All right. All in favor?"

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

Commissioner Siggins: "Thank you Commissioner Murphy for chairing that Award Committee."

RESOLUTION NO. 58-78

RECOMMENDATIONS OF THE AWARDS COMMITTEE

RESOLVED, that the following-named members of the Police Department, be, and they are hereby

granted Awards of Valor, Gold Medal, Silver Medal, Bronze Medal, and Meritorious Conduct Award under the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department, as approved by the Awards Committee on Wednesday, February 1, 1978:

- *Police Officer Frank B. Iavarone.....Gold Medal of Valor
- **Lieutenant Michael A. Brush.....Silver Medal of Valor
- Lieutenant Richard D. Klapp.....Silver Medal of Valor
- Assistant Inspector Thomas A. Burns...Silver Medal of Valor
- Assistant Inspector John R. Troche...Silver Medal of Valor
- Sergeant William A. Fritz(retired)...Silver Medal of Valor
- Sergeant George F. Kowalski.....Silver Medal of Valor
- Police Officer Peter H. Godbois.....Silver Medal of Valor
- Police Officer Ronald P. Kern.....Silver Medal of Valor
- **Police Officer Walter K. Kliegel.....Silver Medal of Valor
- Police Officer Paul F. Makaveckas....Silver Medal of Valor
- Police Officer Gerard M. Neybert.....Silver Medal of Valor
- Sergeant James F. Martinez.....Bronze Medal of Valor
- Police Officer James W. Bloesch.....Bronze Medal of Valor
- Police Officer Donald I. Hensie.....Bronze Medal of Valor
- Police Officer John C. Kranci.....Bronze Medal of Valor
- Police Officer Thomas F. Powers.....Bronze Medal of Valor
- Police Officer Lynn J. Smoot.....Bronze Medal of Valor
- Police Officer Pamela Wermes.....Bronze Medal of Valor
- Inspector Kenneth Murphy.....Meritorious Conduct Award
- * Changed from Silver Medal of Valor to Gold Medal of Valor on recommendation of the Police Commission.
- ** Changed from Bronze Medal of Valor to Silver Medal of Valor on recommendation of the Police Commission.
- AYES: Commissioners Murphy, Sanchez, Siggins
- NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 59-78

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following-named members of the

Police Department have been commended for courageous service under the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission held on Wednesday, February 8, 1978; and

WHEREAS, Chief of Police Charles R. Gain has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officer Frank B. Iavarone be, and he is hereby awarded a Gold Medal of Valor and granted a reward of \$200.00 as provided for under said section of the Charter; and be it further

RESOLVED, that Lieutenant Michael A. Brush, Lieutenant Richard D. Klapp, Assistant Inspector Thomas A. Burns, John R. Troche, Sergeants William A. Fritz (retired), George F. Kowalski, Police Officers Peter H. Godbois, Ronald P. Kern, Walter K. Kliegel, Paul F. Makaveckas, and Gerard M. Neybert, be, and they are hereby awarded Silver Medals of Valor and granted a reward of \$100.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeant James F. Martinez, Police Officers James W. Bloesch, Donald I. Hensic, John C. Kranci, Thomas F. Powers, Lynn J. Smoot, and Pamela Wermes, be, and they are hereby awarded Bronze Medals of Valor and granted a reward of \$50.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Inspector Kenneth Murphy, be, and he is hereby awarded a Meritorious Conduct Award and granted a reward of \$50.00 as provided for under said Section of the Charter.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

HEARING REGARDING GRIEVANCE 7-77 FILED BY ASSISTANT INSPECTOR MICHAEL WILLIAMS (CONTINUED FROM THE MEETING OF FEBRUARY 1, 1978) - CONTINUED TO FEBRUARY 22, 1978.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 60-78

REQUEST OF THE POLICE COMMISSION THAT THE CIVIL SERVICE COMMISSION BEGIN TESTING PROCESS FOR Q2 POLICE OFFICER IN SUFFICIENT TIME SO THAT AN ELIGIBILITY LIST IS AVAILABLE UPON THE EXPIRATION OF THE CURRENT LIST, AND TO TRANSMIT TO THE POLICE DEPARTMENT THE PROPOSED DATES ON WHICH VARIOUS PARTS OF THE SELECTION PROCESS WILL OCCUR.

RESOLVED, that the Police Commission does hereby request that the Civil Service Commission begin the testing process for Q2 Police Officer in sufficient time so that an eligibility list is available upon the expiration of the current list and to transmit to the Police Department the proposed dates on which various parts of the selection process will occur.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 61-78

HEARING OF POLICE CADET JAMES T. MOORE, JR., BUREAU OF COMMUNICATIONS.

WHEREAS, the hearing of Police Cadet James T. Moore, Jr., Bureau of Communications, was called, it having been set for this date; and

WHEREAS, Mr. J. Frank McCabe, attorney for Police Cadet James T. Moore, Jr., has requested that the hearing be continued until after March 2, 1978, to allow this office to dispose of the pending federal criminal action prior to the hearing; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Cadet James T. Moore, Jr., is set for Wednesday, March 8, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

HEARING OF PARKING CONTROLLER ROBERT S. BARCA, TRAFFIC BUREAU

The hearing of Parking Controller Robert S.

Barca, Traffic Bureau, was called, it having been set for this date. Parking Controller Robert S. Barca was charged with violating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Neglect of Duty (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 2

Leaving beat without permission (Violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 3

Aiding the evasion of the Parking Enforcement Process. (Violation of Section 2.163 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 4

Carrying package while in uniform (Violation of Section 2.123 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 5

Subverting the good order of the Department (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department)

SPECIFICATION NO. 6

Failure to obey a direct order (Violation of Section 2.45 of the Rules and Procedures of the San Francisco Police Department)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Parking Controller Robert S. Barca appeared in person and was represented by Mr. William Bradley,

Staff Director, Civil Service Association, Local 400.

Commander of Traffic, Robert C. Seghy, appeared as the Prosecutor for the Police Department.

The reading of the charges was waived.

Mr. William Bradley, Staff Director, Local 400, entered on behalf of Parking Controller Barca an oral plea of "guilty" to all specifications.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 62-78

DECISION - HEARING OF PARKING CONTROLLER ROBERT S. BARCA, TRAFFIC BUREAU

WHEREAS, on January 12, 1978, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Parking Controller Robert S. Barca, Traffic Bureau, as follows:

SPECIFICATION NO. 1

- a) That between the dates of November 16, 1977 and December 6, 1977, the accused was observed by a member of the San Francisco Police Department, while the accused was engaged in the performance of his duties;
- b) That during the course of observations by said member notice was taken of the manner in which the accused carried out his duties;
- c) That on a number of occasions the accused was observed to fail to cite vehicles on his assigned beat which were illegally parked due to expiration of parking meter time or expiration of time in a time-controlled area;
- d) That on many occasions the accused failed to cite vehicles illegally parked for several consecutive days in the same area;

- e) That such failure to carry out the duty of citing illegally parked vehicles which are within the accused's beat is neglect of duty.
- f) That because of the neglect of duty the accused has violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 2

- a) That during the above stated sates the accused while under observaaion by a member of the San Francisco Police Department, did leave his assigned area of patrol without having obtained permission;
- b) That the accused did absent himself from the beat and not reflect such absence on his daily activity report as is required by departmental regulation;
- c) That because of the above activity the accused did violate Section 9.29 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"Shall not leave his beat, detail or assignment, EXCEPT:

1. In performance of police duty.
2. Order or permission of a superior.
3. Absolute personal necessity.

SPECIFICATION NO. 3

- a) That on numerous occasions during the above-stated dates the accused did aid in the evasion of the enforcement process in that he did warn certain parties that he was in the area and thereby give these persons the opportunity to update their parking meters;
- b) That by giving such warnings, the accused did violate Section 2.163 of the Rules and Procedures of the San Francisco Police Department which reads as follows:

"Shall not communicate or cause to be communicated directly or indirectly, any information which may enable a person suspected of or charged with crimes to escape from arrest or punishment, or that may enable him to dispose of or secrete any property unlawfully obtained."

SPECIFICATION NO. 4

- a) That on or about December 6, 1977 at 1136 hours, the accused was observed entering the premises at 735 Polk Street;
- b) That approximately 10 minutes later the accused exited the premises at 735 Polk Street carrying a small white box and place it in his three-wheeled vehicle;
- c) That on the above- stated occasion the accused was in uniform;
- d) That because of this activity the accused has violated Section 2.123 of the Rules and Procedures of the San Francisco Police Department which reads as follows:

"Shall not, while in uniform, carry packages of merchandise, except those pertaining to police business."

SPECIFICATION NO. 5

- a) That between the dates of November 16, 1977 and December 6, 1977, the accused

was observed by a member of the San Francisco Police Department while the accused engaged in the performance of his duties;

- b) That during the course of observations by said member notice was taken of the manner in which the accused carried out his duties;
- c) That on sixteen (16) different occasions the accused filed inaccurate activity sheets;
- d) That the filing of inaccurate or false activity sheets reflects adversely upon the Police Department and tends to subvert the good order of the Department;
- e) That by reason of the above mentioned inaccurate activity sheets submitted to the Department the accused has violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department which reads as follows:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 6

- a) That between the dates of November 16, 1977 and December 6, 1977, the accused was observed by a member of the San Francisco Police Department and observations were made which showed that an order of the Commanding Officer was being violated;
- b) That Commanding Officer's Order No. 2 of 1977 specifically indicates that parking controllers shall chalk and "pick up" chinks at least twice per day on streets, within their assigned beats, which have time limit zones, with or without parking meters;

- c) That the accused was aware of this order as it was made known to all parking controllers;
- d) That the accused did violate this direct order by failure to chalk parked vehicles on streets as described above;
- e) That by reason of such failure to follow a direct order the accused did violate Section 2.45 of the Rules and Procedures of the San Francisco Police Department which reads as follows:

"Shall strictly obey and promptly execute the lawful orders of his superior officers. In case of conflict of orders from superior officers, he shall respectfully call the attention of the superior officer giving the last order to such conflict, should the latter not change his order it shall be obeyed and the member shall not be held responsible for disobedience of any former order in obeying said last order."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, February 8, 1978, and that on Wednesday, February 8, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Parking Controller Robert S. Barca, Traffic Bureau, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Parking Controller Barca violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Parking Controller Robert S. Barca, Traffic Bureau, as contained in Specification No. 2, are sustained by the evidence presented at the hearing and that Parking Controller Barca violated Section 9.29 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Parking Controller Robert S. Barca, Traffic Bureau, as contained in Specification No. 3, are sustained by the evidence presented at the hearing and that Parking Controller Barca violated Section 2.163 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Parking Controller Robert S. Barca, Traffic Bureau, as contained in Specification No. 4, are sustained by the evidence presented at the hearing and that Parking Controller Robert S. Barca violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Parking Controller Robert S. Barca, Traffic Bureau, as contained in Specification No. 5, are sustained by the evidence presented at the hearing and that Parking Controller Barca violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Parking Controller Robert S. Barca, Traffic Bureau, as contained in Specification No. 6, are sustained by the evidence presented at the hearing and that Parking Controller Barca violated Section 2.45 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Parking Controller Robert S. Barca, has violated Specification No. 1, Section 2.13, Specification No. 2, Section 9.29, Specification No. 3, Section 2.163, Specification No. 4, Section 2.123, Specification No. 5, Section 2.13, and Specification No. 6, Section 2.45 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violations, Parking Controller Robert S. Barca be suspended for thirty (30) working days without pay, commencing Thursday, February 9, 1978 at 0800 hours, and terminating Wednesday, March 22, 1978 at 2400 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the

regulation of traffic on the public streets, be,
and the same are hereby approved:

3498-18th STREET - B & G FOOD MART

- a) At 3498 - 18th Street, install a 22' yellow zone to extend from 7' to 29' east of west property line.

119 PLYMOUTH - CLEANING SHOP

- a) At 119 Plymouth, revoke existing 20' green zone, extending from 20' south of Broad Street.

110 PLYMOUTH - LION NOTION INC.

- a) At 110 Plymouth, revoke existing 18' yellow zone, extending 18' south of the north property line.

101 SADOWA STREET - COURTNEY GLASS CO.

- a) At 101 Sadowa Street, revoke existing 25' yellow zone, extending from 6' to 31' west of Plymouth Avenue.

1611 SCOTT STREET - MT. ZION HOSPITAL

- a) At 1611 Scott Street, revoke existing 26' Blue zone, extending from 2' to 28' north of Mt. Zion Delivery entrance.
- b) At 1611 Scott Street, install a 26' white zone, extending from 2' to 28' north of Mount Zion Delivery entrance.

2600 SACRAMENTO STREET - S.C.A.R.E.

- a) At 2600 Sacramento Street, revoke existing 18' green zone, extending from 15' to 33' west of east property line.

2201 STEINER STREET - S.C.A.R.E.

- a) At 2201 Steiner Street, revoke existing 20' white zone, extending from 20' to 40' north of south property line.

2575 THIRD STREET - UNITED WESCO, INC.

- a) At 2575 Third Street, install a 22' green zone, extending 20' from entrance, from south building line 22' north.

100 SADOWA STREET - COURTNEY GLASS

- a) At 100 Sadowa Street, install a 44' yellow zone, extending from east proeprty line to 44' west of same.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 127 feet of green, yellow, blue and white zones at the parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 40-78

SUSAN D. CHAUNCY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan D. Chauncy against the City and County of San Francisco in the sum of \$21.50 as the result of a faulty tow, be, and the same is hereby approved

Date of Incident: September 8, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 41-78

BARBARA CHEW

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of Barbara Chew against the City and County of San Francisco in the sum of \$8.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 22, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 42-78

JUDY DRIVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judy Driver against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 10, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 43-78

SUZIE YAT MEI TAM
AND DONG FUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzie Yat Mei Tam and Dong Fung against the City and County of San Francisco in the sum of \$500.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: October 8, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 44-78

S. JABIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of S. Jabin against the City and County of San Francisco in the

sum of \$20.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 23, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 45-78

ROSE ISABEL LARA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rose Isabel Lara against the City and County of San Francisco in the sum of \$12.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 46-78

WILLIAM P. O'MALLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William P. O'Malley against the City and County of San Francisco in the sum of \$20.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 47-78

JAMES R. VALENCIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James R. Valencia against the City and County of San Francisco in the sum of \$21.30 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 1, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 48-78

KATHLEEN WAYLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathleen Wayland against the City and County of San Francisco in the sum of \$23.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 15, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 49-78

RALPH ZIMMERMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ralph Zimmerman against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 12, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 50-78

RUSSELL R. ROSS AND HIS ATTORNEY
ARTHUR P. MCGLENON, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Russell R. Ross in Superior Court Action No. 697-928 entitled "Russell R. Ross vs. De Soto Cab Company, a corporation; Ziaollah Gholtooghian; City and County of San Francisco, a municipal corporation; et al." in the sum of \$2,500 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: August 2, 1975

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 51-78

WESTERN PIONEER INSURANCE
CO. (ARCHIE PODA)

RESOLVED, that the recommendation of the

City Attorney for settlement of unlitigated claim of Western Pioneer Insurance Company (Archie Poda) against the City and County of San Francisco in the sum of \$1,066.61 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: June 29, 1977

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 52-78

MORRIS NEIL KNIGHT AND
HIS ATTORNEYS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Morris Neil Knight in Superior Court Action No. 699-942 entitled "Morris Neil Knight vs. City and County of San Francisco, et al," in the sum of \$12,500.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: May 8, 1975

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 53-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same are hereby approved:

Captain James M. Curran	) \$391.00	(Executive Develop-
	) each	(ment Training Course,
Captain Cornelius Murphy)		(Golden Gate University,
		(Tiburon, California,
		(from January 8, 1978
		(to January 20, 1978,
		(inclusive.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 54-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers

submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same

Lieutenant Richard D. Klapp	)	\$175.00	(Meeting of Com-
	)	each	(mission on Peace
Sergeant Michael Hebel	)		(Officer Standards
	)		(and Training at
Police Officer Alan Benner	)		(San Diego, Califor-
			(nia, from January
			(24, 1978 to Jan-
			(uary 27, 1978,
			(inclusive.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 57-78

AUTHORIZING ATTENDANCE OF CRIMINOLOGIST SHOJI HORIKOSHI AT THE CRIMINALISTICS IN RAPE EVIDENCE WORKSHOP AT SANTA ANA, CALIFORNIA, ON FEBRUARY 10, 1978.

RESOLVED, that the recommendation of the Chief of Police that Criminologist Shoji Horikoshi be detailed to attend the Criminalistics in Rape Evidence Workshop at Santa Ana, California, on February 10, 1978, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Criminalist Shoji Horikoshi in a sum not to exceed \$220.00 in attending this workshop will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 55-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Police Officer Thomas Eisenmann	)	\$978.40	(Field Evidence
	)	each	(Technician Train-
Police Officer Robert A. Fitzer	)		(ing Course, Long
	)		(Beach, California,
Police Officer Jody Moroschok	)		(from January 10,
	)		(1978 to January
Police Officer Gerald J. Schmidt)			(27, 1978, inclu-
			(sive.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

RESOLUTION NO. 56-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same are hereby approved:

Dispatcher Magdalena Barry)	\$205.00	(Complaint/Dis-
)	each	(patcher Desk Op-
Dispatcher Bradley Schimek)		(erator Training
)		(Course at Sacra-
Dispatcher James Valencia)		(mento, California,
		(from January 16,
		(1978 to January
		(20, 1978, inclu-
		(sive.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	53	63
Daily average for the week disabled	<u>100</u>	<u>104</u>
TOTALS	153	167
This is a decrease of fourteen (14) members off duty daily from the previous week.		
Daily percentage for the week sick		2.75
Daily percentage for the week disabled		<u>6.06</u>
TOTAL		8.81
Disabled at the start of the week		104
Started during the week		17
Returned during the week		21
Disabled at the end of the week		100
Net Gain or Loss		-4

SICK AND DISABLED FOR THE WEEK ENDING, SATURDAY, JULY 5, 1977 AT 2400 HOURS:

Daily average for the week sick	54
Daily average for the week disabled	<u>86</u>
TOTAL	140

Daily percentage for the week sick	3.34
Daily percentage for the week disabled	<u>5.15</u>
TOTAL	8.49

SICK AND DISABLED FOR THE WEEK ENDING, NOVEMBER 23,
1977 AT 2400 HOURS:

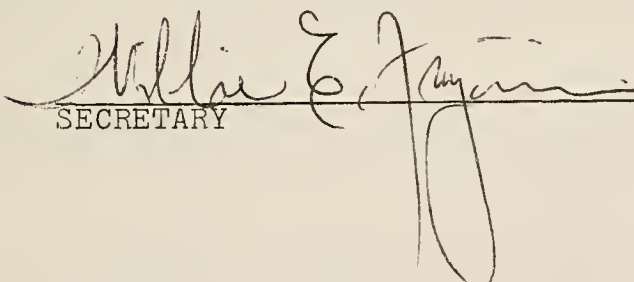
Daily average for the week sick	51
Daily average for the week disabled	<u>91</u>
TOTAL	142
Daily percentage for the week sick	2.73
Daily percentage for the week disabled	<u>5.50</u>
TOTAL	8.23

The report was ordered filed.

AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: Commissioners Ciani, Toler

The Commission then adjourned its meeting.



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15 FEBRUARY 1978

REGULAR MEETING

Minutes
The Police Commission of the City and County of San Francisco met in the chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, February 15, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Murphy, Sanchez, Toler, Siggins

ABSENT: Commissioner Ciani

Commissioner Siggins presiding.

APPROVAL OF CONSENT CALENDAR

Officer Andrew Quaglia, Traffic Survey Department: "Commissioners, if I may. Items 2 and 11 are the same thing. They have 2 people here from both sides protesting. We have received letters from both. And we would like to hold them till last to allow them to speak on the issue. So I will answer any questions you have now."

Commissioner Siggins: "Well let's see, three and 11 are the same. I have a question about this one on Drumm Street. Number 2?"

Officer Quaglia: "The reason for this is that there was only a 16 foot space, and private parking was overlapping into the yellow zone, and we thought that as long as they wanted the yellow zone, it would be easy to give up that 16 feet. That's why it's on a 16 foot yellow zone."

Commissioner Toler: "When a request comes in to you, do you go out and investigate or what?"

Officer Quaglia: "Yes we do. We go out and talk to the people making the request and check the area and check, usually, with the neighbors and post the area that it will be before the Commission on such and such a date. That if they can get their protest in fast, then we would be able to inform the applicant that there are protest."

Commissioner Siggins: "Are there any protests on number 12?"

Officer Quaglia: "I had a protest on that but you

recommended denial on that before the protest even came in."

Commissioner Murphy: "Yes, that was a denial anyway."

Officer Quaglia: "Yes, we recommended a denial on that. It seemed very big, about 5 meters lined up for the vans, but one truck in that Blue area at the same time would keep the van double parked and very seldom could they get five spots open at one time. So it would not serve the purpose that they wanted."

Commissioner Siggins: "Do you want to go to number three? 87 Union Street. It has been my understanding in the past that looking at some of these requests, Officer Quaglia, that the department has been pretty stingy with parking spots on Union Street."

Officer Quaglia: "Well, they have some parking off Union Street. There are two that are off Union Street, and the white zone we thought that it could be, the meter left in and hooded in the day time and just left unhooded in the night time. The yellow zone as you can see, our recommendation was that it be cut to 22 feet instead of the 44 feet that it had."

Commissioner Siggins: "That's on 11 but not on three."

Commissioner Murphy: "Yes, three is trying to put white zones for valet parking though."

Officer Quaglia: "That's what they requested, yes. They have made arrangements with the bikes in the areas to patrol the white zones where there is valet parking."

Commissioner Murphy: "I see. How many parking spaces are there?"

Officer Quaglia: "22 feet and one meter."

Commissioner Siggins: "Are there two different businesses there?"

Officer Quaglia: "It's one business. They should have been put together Commissioner, I don't know why they were lined up so far apart."

Commissioner Siggins: "Yes, but these addresses are different."

Commissioner Murphy: "It says 1887 and 1787."

Officer Quaglia: "The businesses are on Union Street but the zones are both on Octavia."

Commissioner Murphy: "No. What he is saying is the business addresses says one is 1887 and one is 1787. That must be a typographical error."

Officer Quaglia: "It is. They are both the same."

Commissioner Siggins: "So you are recommending what? 22 feet of white and 22 feet of yellow?"

Officer Quaglia: "That is what we are recommending, yes sir."

Commissioner Siggins: "22 feet of white and 22 feet of yellow, taking out a meter?"

Officer Quaglia: "The meter from the yellow zone, not from the white zone."

Commissioner Murphy: "Well, I have seen yellow zones where they were metered after 1 o'clock, for example."

Officer Quaglia: "That can be done, a special truck loading zone, could be put in. I believe that the people from the district have some recommendations."

Commissioner Siggins: "What was this business before? Do you know?"

Officer Quaglia: "I don't know what it was before. But the records says it was a bus zone that's why it was put on the side."

Commissioner Murphy: "They are both on Octavia."

Officer Quaglia: "Yes."

Commissioner Siggins: "O.K. Now Mr. Turkel writes a letter and indicates that four parking places will be taken out of circulation. Is that really the case?"

Officer Quaglia: "It would be two."

Commissioner Siggins: "It would be one really, wouldn't it?"

Officer Quaglia: "Well, one actually, for the meter, but if not, it would be two."

Commissioner Murphy: "Is the owner here?"

Officer Quaglia: "Yes, he is present."

Commissioner Toler: "What is customary?"

Officer Quaglia: "According to the needs Commissioner. If there is no need for a white zone normally for restaurants you wouldn't. But as this was (inaudible) business, it had no zones in it at all."

Commissioner Siggins: "What about the protests?"

Officer Quaglia: "The protester is here with his attorney."

Mr. Holtzman: "I am William J. Holtzman, the attorney for Sungrove and Graham. This is James Tregalla, who is vice president and general manager."

Mr. Windruff: "I am Alan Windruff, and I am the past president of the Union Street Association, and I am a member of the Board of Directors and I am speaking for Mr. Ray Tobis, a merchant on the street and Mr. Robert Mork, a merchant on the street. The three of us together are merchants on the street, kitty corner and across the street from the Sungrove Restaurant."

Mr. Steve Pike: "I am Steve Pike on the Board of Directors and a member of the (inaudible) Association, and a representative of the neighborhood association and also I have been elected to speak in behalf of the Pacific Heights Association."

Commissioner Toler: "As far as the businesses in that community now, do they have both the white and yellow zone?"

Officer Quaglia: "Some have the white zone, I don't believe any one individual has both zones. And as I said, most of them on the street they are all yellow zones available so we wouldn't add to it. The white zone will be given to the last two restaurants which are represented now."

Commissioner Murphy: "Well, what about the delivery zones? Where is the nearest yellow zone on Union?"

Officer Quaglia: "It would be at the far end of the

bus zone. It would be, oh I'd say the bus zone is about 35 feet long...."

Commissioner Siggins: "Where is the....."

Steve Pike: "The restaurant is right on the corner of Union and Octavia. It is in the southeast corner, I believe."

Commissioner Siggins: "What was it before?"

Steve Pike: "Nothing. In the corner there was an antique store, and on either side on Union and going up Octavia, the restaurant is an L shape, and upstairs there are law offices and other offices, I believe."

Mr. Windruff: "There were offices in the spaces the restaurant wasn't using."

Steve Pike: "And it's been constructed there with an empty lot and the restaurant has occupied that empty lot which was one doorway off the corner of Union and it goes around in an L shape. If you will refer to our letter from the Union Street Association, we detail the white and yellow zones and no special zones for the restaurants."

Commissioner Siggins: "The department has put up their own 2 hour meters there."

Steve Pike: "Yes, that's correct on the side streets."

Mr. Windruff: "Do you want to hear the negative side of this?"

Commissioner Siggins: "I think we better hear the negative side of this, right. Here's what happened. The department has recommended approval of a white zone and approval of 22 feet of yellow, so I think we should probably hear the protests first."

Commissioner Murphy: "Now let me get this straight. How long a white zone is recommended?"

Officer Quaglia: "22 feet."

Commissioner Murphy: "Well, that is what we have recommended. That zone be established as the first zone from 2 to 24 feet, which is actually a 22 foot white zone. And the meter would be left in and hooded."

That would be the one that would be available in the daytime with the meter, and at night it would be the white zone for valet parking."

Commissioner Siggins: "What side of the street is this on?"

Mr. Windruff: "It would be the east side of Octavia."

Commissioner Siggins: "In other words, if you approached it from the north, the valet parking would probably be on Union Street, is that right?"

Mr. Windruff: "No. We do have a letter on that if you would like to see it. This is the letter showing the negotiations and essentially the acceptance of the lease on a Green Street garage which is right behind at Green and Octavia."

Commissioner Toler: "This business will be open 7 days a week?"

Mr. Windruff: "Yes."

Steve Pike: "Yes, we are only advocating valet parking, however, during the dining hours, which would be 5:30 on. We are not asking for valet parking during the day. But we are on the other hand asking for a loading zone during the day."

Commissioner Sanchez: "Through the Chair, if I may ask a question. Basically, the recommendation of the Police Department is that it would be two options: it would be a 22 foot white and 22 foot yellow, which is equivalent to what, 2 meters?"

Officer Quaglia: "2 meters."

Commissioner Siggins: "Yes, 2 meters."

Commissioner Sanchez: "O.K. It is proposed that Union Street be designated yellow. So, in essence, you are talking about two meters, or are you talking about 1 yellow and one white?"

Mr. Holtzman: "Two metered yellows. From 7 A.M. to 1 P.M. From then on it's public parking."

Mr. Windruff: "If I might suggest, the real issue, I think the protestants are making, correct me if I am wrong, is whether or not they want to allow space to

operate a valet validated parking service, as you know. In other words, everybody agrees that we have to have a loading area. There is no objection, I believe, to the loading area part of it. So it really is the valet, the white zone valet parking is the real issue."

Robert Moark: "Can I make a comment at this time? I have a store directly across the street from the Sungrove Restaurant."

Commissioner Siggins: "On Octavia or on Union?"

Mr. Moark: "On Union, directly opposite. And I just want to emphasize that I signed the permit for them when they put in for their Disco license. There is very little parking on that whole Union Street area, between Octavia and Gough. You have got four bus stops, one at each corner, two on Octavia and two on Gough. You have got two yellow zones in the middle of Union Street, and probably three that are not in use at all, one is in front of a music shop and one is in front of an insurance store. And then there is one directly next to Sungrove, a Mollocan Restaurant called Mojave, that's a yellow zone. They are only open until 6 o'clock. The point I am trying to make is, and then the meters on Octavia Street are all two hours. So what people do, basically, is park and then keep feeding the meters for two hours. And we get people in our stores who have been driving around for a half hour or 45 minutes and can't park. I think what they are asking permission for is outrageous. That is my own personal opinion. They do need a yellow for delivery, there is no two ways about that. I think what they should get is a metered yellow, on Octavia. For their meat and vegetables and things like that. That's what they've got now. But that's not the point. Regarding the white, I don't really see where they need a white. Because on Union Street you have got the bus stop which is directly in front of their restaurant, and right next to the bus stop you have got a yellow meter, a yellow zone unmetered, which is never in use. So it seems to me that if they want to do a valet, they can just pull up, into the bus stop. The busses run every 10 or 15 minutes at night. What I am saying is right next to where they have the yellow, they can pull into the yellow that is already there and take another spot and take a meter away. I think it's not worth it."

Steve Pike: "May I say something? First of all what he is advocating, is that that bus stop also has a fire hydrant very clearly, and you are advocating that we compound breaking the law not only parking in the bus zone but a fire hydrant also."

Mr. Moark: "What I am saying is the whole valet thing takes thirty seconds. You pull up a car, there is a

guy in front, the people get out and the valet jumps in and drives the car away. It's not that people are parking and blocking the bus stop or anything like that. Now a number of other restaurants in the area do the same thing. Because the whole thing is just a 30 second transaction. And to us the parking is very valuable during the day. Now I am not advocating blocking a meter, or a fire hydrant or blocking a bus stop. I am just saying the whole valet thing, and I have parked many times with a valet, it's 30 seconds. You get out and the guy gets in and drives the car away."

Commissioner Siggins: "You know we get these request from people who ask for valet parking and then a couple of months later there is no valet service. Are there any places along on Union Street now that have that valet parking?"

Steve Pike: "There is one down, The Witner has valet parking. The situation with valet parking is very upsetting to the Union Street situation because the neighbors, the people that we live with have been fighting valet parking because the last five or ten years, anytime valet parking has come into the neighborhood, all of the garage ways are blocked. Cars are parked on the sidewalk and there is a whole problem where people can't get in and out. No access to the garage."

Mr. Moark: "Well I live in the neighborhood too and valet parkers park in my driveway. And I live two blocks away from Union."

Steve Pike: "Now we are very happy to learn that they have made arrangements with the garage around the corner, now if they make an arrangement with this garage where they can park their cars, that's wonderful. And if it can be run so that nobody else is hurt, that's very nice too. But we have been hurt so much, that we want to be prudent, we are from Missouri in this particular case. We have to be shown that the valet parking is going to work."

Mr. Moark: "Valet parkers on Union are usually dishonest a lot of times. They will park your car and you will end up with a ticket. They will throw the ticket away and you will get a warrant months later."

Commissioner Siggins: "Lieutenant Senatore, it's against the law to use the bus zone for loading and unloading."

Lieutenant Senatore: "Yes sir. And I might add that if that is used for valet parking the red zone, if the bus zone were used for valet parking and the valet were there, the stop would be momentarily but the next car to come in might have to wait in excess of 5 minutes while the man goes up several blocks to Green Street and returns on foot to pick up the next car."

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And we can foresee a situation where other cars would be going into the bus zone creating a double undesirable situation."

Steve Pike: "This is already happening by the way."

Mr. Windruff: "Really, and we want to correct that now. I would like to make two points about that comment. One, the valet parking white zone will operate only in the evening from whatever time on that you set. And also, we would be perfectly willing to have a conditional use if you can do that kind of thing, so that it gets reviewed in 90 or 120 days to see whether or not the valet parking is operating and the same protestants would have the opportunity then to come back, and if they have cases of parking in driveways and things with anybody that works for us, we will be....."

Commissioner Siggins: "Why don't you just see if you can get along without either one of them for awhile?"

Steve Pike: "It is inaccurate to say that there is a yellow zone that is unoccupied. It is, in fact, after 5 o'clock always occupied. We are not advocating the removal of two meters, but there is, in fact, a meter missing on Octavia Street at this time. And what we are advocating is the removal of one meter."

Officer Quaglia: "That meter has been put back."

Mr. Windruff: "There is substantial business being done there already and there is no reason to believe either from the complaints or the recommendations that it's going to change. So it is really necessary to the proper operation of the restaurant to have valet parking. And we are very concerned with how the neighbors feel. We have gone through a long series of trials and tribulations with them, and understanding their position, but we also have a business problem that really needs to be solved, it could be solved in a somewhat of a compromise position, and I think that would be the appropriate decision of the Commission."

Commissioner Siggins: "What is that?"

Mr. Windruff: "That it be given as described by the Traffic Department, and that it be conditional for a certain period of time. Whatever you feel is appropriate."

Commissioner Murphy: "Wouldn't there be some advantage for both sides, the restaurants would get a loading

zone and the other people would get a free meter if we had one of those one o'clock deals that they have in front of a good many establishments."

Mr. Windruff: "It can be parked from 1 o'clock until 5 or 1 till 6, that's fine. I mean in otherwords, during the time the stores are mostly open, and I am sure they have some evening hours, I don't know what their hours are exactly. That can be used for parking that's fine. It's in the evening that the valet parking is essential."

Commissioner Murphy: "First, I want to talk about the yellow zone. Is there any white zone that can be done that way like from 6 o'clock on. That would be a white zone?"

Officer Quaglia: "A white zone is recommended that it be for after 6 so that other cars can park there. Truthfully, I have never thought about recommending a special truck zone from 7 to 3. That probably would work out. No doubt most of your deliveries from the restaurant are in the morning. It could very easily be changed."

Commissioner Murphy: "From 7 to 1."

Mr. Windruff: "So the entire space could be metered from 1 to 6."

Steve Pike: "Then from 6 on it would be a white zone, is that what you are saying?"

Commissioner Murphy: "Just one meter."

Steve Pike: "Well that one meter could then serve double duty, it could be a yellow zone from 7 to 1, it could be public parking from 1 to 6, and it could be a white zone from 6 on. The problem is that of all the commercial neighborhoods in this city we are one of the oldest. We have no public parking within a great distance. There is no possibility in the foreseeable future for that kind of parking because the property value is so high that parking Commission cannot raise enough money to buy any property if it were for sale. And there is no property for sale that could be put into public parking. So you are not only dealing with the restaurant business but a group of merchants who have been there for quite a while. Who have built up a very nice street, and Sungrove is not going to deter from the street. Sungrove is going to add to the street, it is a very nice restaurant. We are not arguing that, what we are arguing is that we have to live too."

Commissioner Siggins: "O.K. You are willing to

concede one parking place?"

Steve Pike: "We would like to have a metered yellow."

Commissioner Murphy: "A metered yellow, and then you would have what is equivalent to a metered white space it seems to me. If you have your meters in there during the day, and hood it at night."

Steve Pike: "They could be contiguous to one another so that....."

Mr. Moark: "But to the effect that even if the two meters with one meter painted white and one painted yellow, one meter would only be occupied from 7 in the morning until 1 in the afternoon. The other meter would be open all day. The white zone is like not being there."

Commissioner Siggins: "So if I came along at six o'clock, I could take that yellow zone and have it all night."

Officer Quaglia: "Yes. And the only zone that would be open at night would be the white zone which would be for the valet."

Commissioner Toler: "Does this serve the purpose that you intended?"

Mr. Windruff: "Yes, that would be fine. Let me make one other point that was mentioned earlier. And that is that there are two or three other yellow zones in that block on Union Street, and as we mentioned the use that they were probably initially established for is yellow, is no longer there. And I'm wondering if we can't get a review of some of those existing yellow zones."

Commissioner Murphy: "We revoke several every session so that is the easy way out."

Steve Pike: "And the one right next to Sungrove next to the Marcabo Restaurant, there is no need for a yellow zone there at all."

Mr. Moark: "There should be a real assessment of the street, basically, I mean if you have got two hour meters, why not take it, I mean that's absurd."

Steve Pike: "Not to mention that half of the street is taken with those particular bus stops there are two on each block."

Commissioner Siggins: "Well, that will work out then?"

Steve Pike: "Yes, that will be fine. Although on this valet parking as we talked about before as council has indicated, can we have a review on that?"

Commissioner Siggins: "Yes."

Steve Pike: "Because the neighbors have been very very touchy about this, and to be fair to them if we could have a review, because I think with this Green Street garage, we will cure this problem as far as Sungrove is concerned. And if we could have a review in say 90 days or whatever."

Commissioner Murphy: "O.K. I will move that an appropriate white zone be established for valet parking beginning at 6:00 P.M., with the existing meter hooded at that time. Further, a yellow zone be established for trucks loading and unloading with the meter sign showing the time to be from 7:00 to 1:00 which would allow regular parking between 1:00 and 6:00 o'clock."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and teh same are hereby approved:

728 VALLEJO STREET - 3 STAR BRAND RICE

- a) At 728 Vallejo Street, install a 22' yellow zone, extending from east property line to 22' west of same.

41 DRUMM - CHEZ MONIQUE

- a) At 41 Drumm Street, install a 16' yellow zone, to extend from 6' to 23' south of north property line.

2756 OCTAVIA STREET - SUN GROVE RESTAURANT

- a) At 2756 Octavia Street, install a 22' white

zone, to extend from 2' to 24' south of north property line.

A 22' white zone. Meter 2730.

748 BROADWAY - JIMS KLUNS TRADING.

- a) At 748 Broadway, install a 22' yellow zone, to extend from east property line to 22' west of same.

577 COLUMBUS AVENUE - CAFE ASSOCIATION, INC.

- a) At 577 Columbus Avenue, install a 36' white zone, to extend from 9' to 45' north of the south property line.

577-579 COLUMBUS AVENUE - CAFE ASSOCIATION, INC.

- a) At 577-579 Columbus Avenue, revoke existing 36' yellow zone, extending from 9' to 45' north of the south property line.

350 AMBER DRIVE - DIAMOND HEIGHTS SCHOOL

- a) At 350 Amber Drive, revoke existing 66' white zone, extending from Duncan Street to 66' south of Duncan.

2437 BRYANT STREET - BRYANT SCHOOL

- a) At 2437 Bryant Street, revoke existing 36' yellow zone, extending from north property line to 36' south of same.

1355 LARKIN STREET - HOOVER SPRING CO.

- a) At 1355 Larkin Street, revoke existing 28' yellow zone, extending from 11' to 39' south of the north property line.

1461 POLK STREET - VARIOUS

- a) At 1461 Polk Street, revoke existing 72' Special Truck zone, extending from 3' to 75' south of California Street.

2758 OCTAVIA STREET - SUN GROVE RESTAURANT

- a) At 2758 Octavia Street, install a 44'

yellow zone, to extend from 40' to 84' north of south property line. Meter out-2728.

1720-1750 SACRAMENTO STREET - VAN NESS OLDSMOBILE

- a) At 1720-1750 Sacramento Street, install a 112' Special Truck Loading zone, to extend from west property line of 1750 Sacramento to 112' east of same. Special Truck Loading signs to be placed on meters #1720 thru #1734 (5 meters).

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

REVOKE

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 258 feet of yellow, white and special truck zone, at the parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Lieutenant John E. Guenley, Southern Police Station, for service, effective January 30, 1978.
- b) Police Officer Richard Weidinger, Support Services Bureau, for industrial disability, effective February 1, 1978.

The communications were ordered filed.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 63-78

COURTESY TOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Courtesy Tow against the City and County of San Francisco in the sum of \$23.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1977

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 64-78

ELIZABETH MORGAN & GEORGE BERRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Morgan and George Berry against the City and County of San Francisco in the sum of \$120.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 24, 1977

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 65-78

BETTY O'DONNELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Betty O'Donnell against the City and County of San Francisco in the sum of \$34.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1977

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 66-78

MOTORS INSURANCE CORPORATION
(ANDERSON, MICHAEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Motors Insurance Corporation (Anderson, Michael) against the City and County of San Francisco in the sum of \$500.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: September 22, 1977

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 67-78

AUTHORIZING ATTENDANCE OF SERGEANT BILL R. TAYLOR,
INTERNAL AFFAIRS, AT A POLYGRAPH TRAINING SEMINAR
AT AUSTIN, TEXAS, FROM MARCH 6, 1978 TO MARCH 10,
1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Bill R. Taylor, Internal Affairs, be detailed to attend a Polygraph Training Seminar at Austin, Texas, from March 6, 1978 to March 10, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Taylor in a sum not to exceed \$340.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 68-78

AUTHORIZING ATTENDANCE OF CIVILIAN COMMUNICATIONS
DISPATCHERS ROBIN COLVIN, KATHY O'CONNELL AND CORINNE
QUINTANA, AT THE RADIO DISPATCH/COMPALINT DESK OPERATOR
TRAINING COURSE AT SACRAMENTO, CALIFORNIA, FROM MARCH
13, 1978 TO MARCH 17, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Civilian Communication Dispatchers

Robin Colvin, Kathy O'Connell, and Corinne Quintana, be detailed to attend the Radio Dispatch/Complaint Desk Operator Training Course at Sacramento, California, from March 13, 1978 to March 17, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Civilian Communication Dispatchers Colvin, O'Connell and Quintana in a sum not to exceed \$234.00 each in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 69-78

AUTORIZING ATTENDANCE OF DR. MIMI H. SILBERT, DEPARTMENT TRAINING CONSULTANT AND POLICE OFFICER DONALD P. CARLSON, PERSONNEL AND TRAINING, AT THE BASIC COURSE REVISION CONSORTIUM WORKSHOP AT INGLEWOOD, CALIFORNIA, FROM FEBRUARY 21, 1978 TO FEBRUARY 23, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Dr. Mimi H. Silbert, Department Training Consultant and Police Officer Donald P. Carlson, Personnel and Training, be detailed to attend the Basic Course Revision Consortium Workshop at Inglewood, California, from February 21, 1978 to February 23, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Dr. Mimi H. Silbert and Police Officer Donald P. Carlson in a sum not to exceed \$136.20 each in attending this workshop, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 70-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by Deputy Chief Clement D. DeAmicis for expenses incurred for attendance of(18) eighteen administrative personnel of the Investigations Bureau at a Team Building Workshop, be, and the same is hereby approved:

Eighteen (18) Administrative) \$2,074. (Team Building Work-
personnel of the Investiga-) (shop conducted by
tions Bureau) (Golden Gate Univer-
(sity at Tiburon, Cal-
(ifornia, from January
(24, 1978 to January
(26, 1978, inclusive.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 71-78

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY POLICE OFFICER DAVID SEYLER, SUPPORT SERVICES BUREAU, POLICE GARAGE, AT A FIELD MANAGEMENT AUDIT OF VEHICLE PROCEDURES AT THE LOS ANGELES POLICE DEPARTMENT, LOS ANGELES, CALIFORNIA, FROM DECEMBER 4, 1977 TO DECEMBER 6, 1977, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, Police Officer David Seyler attended a Field Management Audit of Vehicle Procedures at the Los Angeles Police Department; and

WHEREAS, Officer Seyler did travel to Los Angeles, California, from December 4, 1977 to December 6, 1977, inclusive, to attend this course; therefore be it

RESOLVED, that expenses in the amount of \$123.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 72-78

AUTHORIZING ATTENDANCE OF POLICE OFFICER GREGORY CORRALES, NARCOTICS UNIT, AT A NARCOTIC INVESTIGATION TRAINING COURSE AT SACRAMENTO, CALIFORNIA, FROM MARCH 5, 1978 TO MARCH 18, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Gregory Corrales, Narcotics Unit, be detailed to attend a Narcotic Investigation Training Course at Sacramento, California; from March 5, 1978 to March 18, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police

Officer Gregory Corrales in a sum not to exceed \$524.00 in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	62	53
Daily average for the week disabled	<u>106</u>	<u>100</u>
TOTALS	168	153

This is an increase of fifteen (15) members off duty daily from the previous week.

Daily percentage for the week sick	3.32
Daily percentage for the week disabled	<u>6.28</u>
TOTAL	9.60
Disabled at the start of the week	100
Started during the week	30
Returned during the week	17
Disabled at the end of the week	113
Net Gain or Loss	+13

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, JANUARY 18, 1977 AT 2400 HOURS:

Daily average for the week sick	60
Daily average for the week disabled	<u>112</u>
TOTAL	172
Daily percentage for the week sick	4.03
Daily percentage for the week disabled	<u>- 6.79</u>
TOTAL	10.82

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY, DECEMBER 14, 1977 AT 2400 HOURS:

Daily average for the week sick	68
Daily average for the week disabled	<u>104</u>
TOTAL	172

Daily percentage for the week sick	3.62
Daily percentage for the week disabled	<u>6.28</u>
TOTAL	9.90

The report was ordered filed.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Charles R. Gain made no report to the Police Commission.

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the right to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFERORS</u>	<u>TRANSFEREES</u>	<u>NO. OF PERMITS</u>
Herman H. Wikkeling 129 Broad Street San Francisco, Ca.	Jimmy Chow Inc. 670-5th Avenue San Francisco, Ca.	1
Herman H. Wikkeling 129 Broad Street San Francisco, Ca.	Kan Brother's Inc. 705 Balboa Street San Francisco, Ca.	1

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 73-78

PROPOSED DEPARTMENT STAFF GENERAL ORDER ON TOW ESCORTS
AT THE HALL OF JUSTICE GARAGE - APPROVED.

RESOLVED, that the Police Commission hereby approves and adopts General Order G-1, Tow Escorts at the Hall of Justice Garage, and it is hereby adopted as official Department policy, and is hereby approved for issuance.

(Copy on file in the Office of the Police Commission.)

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 74-78

PROPOSED DEPARTMENT STAFF GENERAL ORDER ON THE CONTROL OF TRAFFIC CITATION FORMS - APPROVED

RESOLVED, that the Police Commission hereby approves and adopts the department staff proposed Department General Order on the control of Traffic Citation forms.

(Copy on file in the Office of the Police Commission)

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 75-78

PROPOSED DEPARTMENT STAFF SPECIFICATIONS FOR PARKING CONTROL AND TRAFFIC CONTROL OFFICERS' UNIFORMS - APPROVED.

RESOLVED, that the Police Commission hereby approves and adopts the department staff proposed specifications for Parking Control and Traffic Control Officers' Uniforms.

(Copy on file in the Office of the Police Commission.)

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

NOTIFICATION AND FILING OF CHARGES AGAINST CAPTAIN
J. WILLIAM CONROY, PARK POLICE STATION

Stephen Bley, Appearing for Captain Conroy:

Commissioner Siggins: "How would you like to handle this?"

Stephen Bley: "Very gingerly. At the rpresent time as the Commissioners are probably already aware, we have set for March 1st, another of the unending charges preliminarily against J. William Conroy. I would ask, and I discussed this with Lieutenant Trueb, that we continue this and I would also enter a plea for exoneration and not guilty. And ask that this be continued over and put it on the calendar for say six weeks, and let us get finished with the next one, and then pick a date for that matter."

Commissioner Siggins: "March 29th?"

Stephen Bley: "That would be fine. And if I am not in the area, I will contact the Sergeant and give him a date or if not, I will just discuss it with Lieutenant Trueb. Thank you very much."

RESOLUTION NO. 76-78

CAPTAIN J. WILLIAM CONROY, PARK POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Captain J. William Conroy, Park Police Station, as follows:

SPECIFICATION NO. 1

Failure to make an immediate and personal investigation of misconduct of a member of his command. (Violation of Section 2.245 of the Rules and Procedures of the San Francisco Police Department. - 3 Counts)

SPECIFICATION NO. 2

Failure to promptly file a written report of his subordinates' violation of the Rules and Procedures. (Violation of Section 2.199 of the Rules and Procedures of the San Francisco Police Department. - 3 Counts)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Captain J. William Conroy, be, and the same is hereby set for Wednesday, March 29, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 77-78

GROVER FORD, MUNI TRANSIT SECURITY OFFICER

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Grover Ford, Muni Transit Security Officer, as follows:

SPECIFICATION NO. 1

Sex Perversion (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Unlawful Intercourse with a Female (Violation of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Reflecting Discredit Upon the Police Department (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police, therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Grover Ford, Muni Transit Security Officer, be, and the same is hereby set for Wednesday, March 8, 1978

at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 78-78

BUILDING AND GROUNDS PATROLMAN VERNON FOSTER,
SOUTHERN POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Building and Grounds Patrolman Vernon Foster, Southern Police Station, as follows:

SPECIFICATION NO. 1

Reflecting Discredit Upon the Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Building and Grounds Patrolman Vernon Foster, Southern Police Station, be, and the same is hereby set for Wednesday, March 8, 1978, at 5:30 p.m., in Room 551, Hall of Justice.

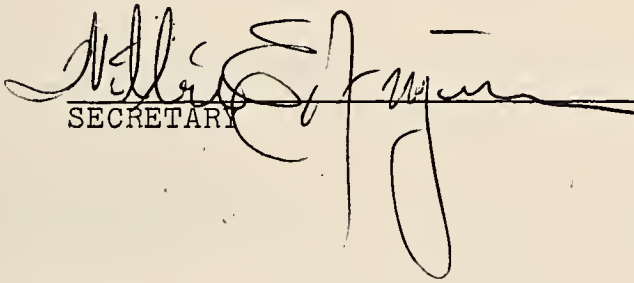
AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

POLICE OFFICER ROBERT E. HOOPER - IN MEMORIUM

A communication was received from Chief of Police Charles R. Gain officially notifying the Police Commission of the death of Police Officer Robert E. Hooper, Traffic Division, Solo's, who died on Thursday, February 9, 1978.

The Commission then adjourned its meeting
at 1840 hours in memory of Police Officer
Robert E. Hooper.


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22 FEBRUARY 1978

EXECUTIVE SESSION

minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, February 22, 1978 at 1630 hours in Executive Session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

1. Attorney/Client Conference

22 FEBRUARY 1978

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, February 22, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

COMMENTS ON EXECUTIVE SESSION MEETING

Commissioner Siggins: "Reference is made to the fact that we had an Executive Session discussing litigation with the City Attorney's Office. There is a possibility of the Commission considering a proposed Charter Amendment that is before the Board of Supervisors. We considered it in connection with the litigation but I think we should afford the Employee Organizations or any members of the Department an opportunity to confer with us in that regard. And we do have a time limit because it is our understanding as the City Attorney has indicated to us that it might be considered by the Board of Supervisors next week. They told us the case law provides in California that the matters to be considered for a Charter Amendment to go to the public does not have to be the subject of a Meet and Confer. The same thing might apply to the (inaudible) of the Police Commission. I think it might be fair to everybody involved in the Department to try to promulgate the Charter Amendment that is before the Board of Supervisors so that the Department will understand it and we can get the views of members of the Department in the event that we have to make some type of a policy

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decision as a Commission to pass on to the Board of Supervisors. Now they are going to meet on Monday and we have to give an opportunity to the Department and employee organizations before that and the only time available for that will be on Friday evening."

After further discussion a tentative special meeting was scheduled for Friday, February 24, 1978 at 5:15 p.m., providing confirmation of the Charter Amendment coming before the Board of Supervisors on Monday, February 27, 1978.

SPOKESMAN FROM THE BAYVIEW, HUNTERSPPOINT COMMUNITY-
RE: POLICE SHOOTING INCIDENT IN THAT AREA.

Charles Walker: "My name is Charlie Walker and I am the spokesman for the Bayview-Hunterspoint. This matter concerns a shooting that happened in Hunterspoint and the Bayview-Hunterspoint Community Coordinating Council, Bayview Merchants Association, Shafter Avenue Community Club, Bayview-Hunterspoint Joint Housing, New Breed Development Cooperation, and oppressed people in Hunterspoint. Most of you received a letter and I will read that letter. 'The Bayview Hunterspoint Community Coordinating Council and private community organizations, the Bayview Merchants Association, the Shafter Avenue Community Club, Bayview Hunterspoint Joint Housing, New Breed Community Development Cooperation and concerned people for action, find themselves in a state of depression once again. The flagrant disregard of persons property, lives and tranquility must not be ignored. We will not stand by idly and be shot by police, criminals or hunters of any kind. This should be scrutinized and dealt with in an objective manner. We see a retaliation and owe the action from the police scene that took place in the Sunset District of San Francisco. We see no reason why the retaliation and over reaction should be used against the Hunterspoint Community except for our lack of representation in governing police matters. The leadership and the directness of the person or persons in charge leaves the citizens of the Bayview-Hunterspoint in a quandary, wondering if this will be settled with no appreciative justice for our community as history has proven again and again. The citizens of Bayview-Hunterspoint community will no longer stand by and watch the police in its investigations perform. The matter is of a very serious nature and we demand a full investigation by the Department of Justice or the Civil Liberties Union who are prone to Justice for all people. We feel this can serve better for all persons concerned.' You know, and the threats from day to day will not exist. The comments that I was supposed to make concerning this letter because I thought most of you might have read it, but the Community is totally outraged at the thought that the San Francisco Police Department wishes to give some

of these officers some kind of a commendation award. This is what we received over the news. The car that was involved did not have a bullet fired into it, is what we understand, and we have been trying to get a report or disposition of what the Chief of Police intends to do about it. What the Commission intends to do about it, but a woman who had just left out of a room with two of her children, had she been in the room where she was previously standing, they would have been dead today. We find it and we notice every day white police riding through the community terrorizing Hunterspoint. The same situation exists in Hunterspoint, we have about 36% unemployment, children running rampant up and down the street and in a few days a police officer is going to kill one of our people and it is going to turn out to an all out scale of deaths. We know it's coming just as bright as day. We are asking the Police Commission, the Chief of Police, and everyone else involved in this matter to deal with that Southern Police Station out there, to deal with the San Francisco policemen and deal with us as black people and deal with us as human beings. We sincerely wish that you would take into consideration that a police officer above all, do not deserve an award for shooting up on those houses. There was no one for them to see and there ain't no reason for them to shoot if they don't see anybody. And even if they see somebody who stole a car and he is running from the car, that ain't no reason for them to kill him. The day of hanging a man because he rustled a horse has long been ended but the day where policemen still kill black people for stealing a car is just beginning."

Commissioner Toler: "Let me ask you, you said something about the Police Commission giving a commendation to the person who.....?"

Charles Walker: "I am saying....now this is objective, it was understood some of the people in the community who was at the meeting Tuesday, said, that they had heard on television that the officers who were involved in the mess should receive some type of an award. We are not saying that's true or not, we are saying that if it is true then we wish you would kindly take a different view of it first of all. Second of all, we wish for you to request that the Department of Justice look into these police officer's activities in the Bayview-Hunterspoint, we ask for the Civil Liberties Union to come to our aid in the Bayview-Hunterspoint, we ask for Andrew Young, the United States Ambassador, who we also sent a letter to, to come to our aid against the San Francisco Police Department and the Southeast Station. They are running rampant in the community, doing whatever they want to do and it is hideous out there and this is not only the one organization, this is every organization. For the first time, I saw on Tuesday, every organization in the Bayview-Hunterspoint get together in a meeting at Whitney Young Circle and said let's put a letter together and appeal to their good nature before something goes wrong. That is why I appear before you today."

Commissioner Siggins: "Thank you Mr. Walker. Does the Department have any response to this?"

Chief Gain: "If I may respond Mr. President to the Commission, a week ago Saturday, at 5:30 in the morning, there was an incident wherein an individual in a car had been involved in an armed robbery previously, and was pursued by the police in a high speed chase. It terminated where the police had set up a roadblock in the police car and there were several policemen at the scene, and at 5:30 when the vehicle approached this area it was shot at by the police officers. Several shots were fired and approximately nine bullets hit and entered a home. Some of the projectiles wound up in the walls and the refrigerator and so on. This was at 5:30 in the morning.

I first learned of that incident at 11 o'clock Saturday night; I was watching the News program and I saw the moderator and some films. The moderator was speaking of an incident that had taken place, with bullets going into a house. So at 11 o'clock that Saturday night I called our Operation Center and found that they didn't have a report of it and so I pursued it, and Sunday morning, the next morning, that's a week ago Sunday, I directed an immediate investigation be undertaken. I had Commander Bruneman undertake it first thing Sunday morning and there had been then an investigation conducted according to our regulations by Captain Bruneman. A report has been submitted to me. Our process calls for each time a policeman discharges his firearm other than during training at the range, you have what is called a Board of Review, where there are three Deputy Chiefs, one of whom is Chairman, conduct the Board of Review. The officers involved are asked to state what did occur. The whole purpose of the Board of Review being for the Deputy Chiefs to learn the circumstances attending the discharge of firearms and then evaluate those circumstances in terms of our regulations governing the discharge of firearms to make sure that the discharge of firearms is lawful and appropriate within the terms of our regulations. That Board of Review was going to be held today at 1 o'clock, however, because of the legalistic nature of Boards of Review and questioning policemen today, it was determined this afternoon at 1:30 that we no longer can have these Boards of Review and just ask policemen to come in where they state what happened and Deputy Chiefs or others ask them questions. We must now, as a matter of some agreements we have, and state law afford those policemen the opportunity first to get representation from an employee organization, if they so choose. What that resulted in was my calling off that meeting today. We are going to reschedule it for next week so that the officers who did discharge their firearms, if they choose, to have representatives appear and represent them at the meeting next week. So then to

wind it up, we already have some reports, the Board of Review meeting will take place next week. The Deputy Chiefs will learn the problem, analyze it, and then submit a statement to me with their conclusions as to whether the discharge of firearms was done within the law and within our Rules and Regulations. So at that time, when I get the report, then we will come to the conclusion as to whether it was appropriate, in that case, for them to discharge firearms, with the consequence that they did, at that occupied dwelling. We are very concerned about what did occur and now we are going to apply law and rules to the circumstances and come to a conclusion, and, of course, that report is a public report which can and will be made available to the Commission, to Mr. Walker, the ACLU or whoever may want it."

Commissioner Ciani: "That is the substance of the report and not just the conclusion of the Board of Review will be made public, is that correct?"

Chief Gain: "It's a public document."

Commissioner Murphy: "Is it a public meeting?"

Chief Gain: "No, it is not a public meeting, it is a personnel matter."

Commissioner Murphy: "Will there be any corroborating witnesses or that sort of thing from outside of the police department, for example, the woman whose house was hit and so on?"

Chief Gain: "As far as we know there were no witnesses to the actual shooting incident. None whatever, the people that were in the home, of course, knew when bullets came into their home. They were not witnesses to what occurred outside on the street resulting in those bullets entering their home. So, it is a fact that the bullets entered the home. No one is arguing about that fact. It is a matter now of whether the manner in which they got there was appropriate."

Commissioner Ciani: "There are really two issues here; one, is this immediate incident and if the Board of Review determines that there was improper discharge of firearms then disciplinary action would follow, is that correct?"

Chief Gain: "Well appropriate corrective action, whatever form that might be. It could go all the way from counseling, to training, to suspension, to recommendations, and things of that nature. It isn't known now what would be the appropriate action until we know what the facts are."

Commissioner Ciani: "Well, the other issue is that the perception of the community out there is very negative as far as the Police Department is concerned, and corrective action should be taken there as well, through the use of the Community Relations people or whatever other ways we can deal with that problem and improve the relationship between the police and the community."

Chief Gain: "I would suggest that that really can't be done until we finish this process of the review. We can't really tell what the results or what we are going to do, whether the actions of the officers are appropriate or not until we finish this process. One thing that did occur, as I related to you, I did not know of this myself until 11 o'clock Saturday night. Unfortunately, no one from the police department at 5:30 in the morning, to the best of my knowledge, went to that home and even explained to them what occurred. No one went there until I learned about it at 11 o'clock Saturday night and directed that someone go there Sunday. So we do have a real grave problem with the perception of the Community about the sensitivity of their police department and allegations that have been heretofore, and certainly being made as a result of this incident that the police department treats incidents and people in the Bayview-Hunterspoint area different than they do in other parts of this city. Now we are going to have to address that problem, but right now there is nothing we can really say because what the Community wants to hear is a resolution to this problem and assurance that appropriate police action will be taken. We can't prejudge the actions of these officers until we know the facts. So we do have a real job to do, to explain to the community what occurred and to assure them that they are receiving equal treatment. That can't be done now, nothing can be said until we can tell them the results of our investigation and what action then we are going to take."

Commissioner Ciani: "Well, I also hear this gentleman saying that there is an accumulation of incidents, are there other specific incidents that should be looked into?"

Charles Walker: "Where we come from in the situation is that accumulative incidents in the Community, there are things that you just can't put your hands on. Where people just let incidents go by in the Community and they come to the coordinating council that I am a member of and I am chairman of this committee. And there are complaints and letters after letters have been written to the Chief of Police, to the Mayor of San Francisco, concerning that Southeast Station out there. Now, there is no bullet holes in the car that the criminal was in. That's an established fact. These houses are way up the hill from it. A man would have to be 16 feet tall for them to be shooting at them, first of all. Second of all, nobody from the department has offered anything. Now the only thing the woman in the community says they say is, 'well they have just got to sue us,' you know, and that when her children are killed that would not serve the purpose."

We have other incidents that go on out there every day, every day, every day, every day. We have a heavy drug problem out there at Hunterspoint, we have a heavy unemployment problem out in Hunterspoint, we have a heavy police squad out in Hunterspoint where they ride around all day and you see them whenever they want kids they just jack them up on the corner, 'spread your legs,' shake them down first, one thing then another. Now I don't care whether the kids are right or wrong, they are still kids, there ain't no place for them to go but near their homes, they ain't working, most of them are out of school, quit school, dropped out of school, graduated from school, and the problem is so serious until you couldn't imagine what it was unless you actually came out there, plus 50% of the area is like a garrison, because they are remodeling the whole area, you see. So now on top of all of that, we have come up with a situation where they are shooting at us again like they were 10 years ago, and it started like this 10 years ago, and now we see history starting to repeat itself. And we just hope that this incident do not turn into what it turned into 10 years ago, and that's why we are here. We didn't bring 50 people in to crowd the room the way everybody wanted to do, we just sent a letter of discussion."

Commissioner Toler: "Mr. Walker, you indicated to us earlier about the Southeast Station is not doing the job that it should be doing."

Charles Walker: "I don't understand you sir."

Commissioner Toler: "You mention the station there in Hunterspoint not doing its job."

Charles Walker: "I am not saying it's not....., I am saying that they may very well be within the law in things they do, I am not....don't misunderstand me, when you stop a kid who has stole a car they are within the law to do that. I am not arguing that point, but a lot of things that are going on, if a child steals a car and a police car chases him and he jumps out of the car and runs another way, don't give them the right to shoot him in the back and kill him. I don't care what he did. And I am not saying that they are not within their rights and I am not saying the law don't demand that, but when the car stopped, he jumped out of the car and ran, why would 18 of them shoot at him or whatever, whoever shot at him. Surely if they hit him and shoot him in the back and kill him, surely that is going to raise more eyebrows. And it wasn't one house as is understood, it was more than one house the bullets were fired into out there. And surely, if they were shooting at one man or one child, if he jumped out of the car and broke and ran between those bushes, that ain't no reason to shoot at him when it is hardly unlikely you are going to hit him unless you are running behind him and close enough to hit and still you are shooting him in the back."

Chief Gain: "First of all, we are not talking about a child, we are talking about an armed robber that held up a woman at gun point, fired the gun and stole the car."

Charles Walker: "I am not arguing that Chief."

Chief Gain: "Well, I want to put it in perspective, Mr. Walker. That's what occurred. So we can't pre-judge it, we want to get the facts. Now as far as letters to the Chief from that area, I haven't had letters that you are referring to. As far as complaints, we have had specific complaints, they have been filed in Internal Affairs and investigated. I think that you are making allegations that right now I don't know if they can be supported. I haven't received those letters. Now to a point that there are problems with policing or with police conduct in the Southeast Station, we will address those problem. But what I hear you doing, Mr. Walker, is out of hand indicting the officers from Southeast Station and I think we have to have specific evidence and allegations that we can investigate and not just come up with a bunch of out of hand indictments of that Station."

Charles Walker: "Chief, I think if any one is taking it out of context, you are. I am not saying that the police officer is not acting within the realm of the law, I am not saying that you are doing this, that, and the other, I am saying that I don't think that a police officer who comes upon a situation where a person or persons in a stolen car and he robs somebody, he jumps out of the car and breaks and runs toward a residence, now I don't know if he is in his rights for 16 of them to shoot at him. That's what we are talking about."

Commissioner Ciani: "That's a hypothetical case, I take it?"

Charles Walker: "Yes, that's what I am saying, I was just saying to him he said that I am making charges against the Southeast Station. I am not making charges against them, I am saying there are lots of cases and probably most cases and probably 8 cases out of ten the policemen are right in stopping them or doing this or doing whatever they are doing. I am not saying that they are wrong, Chief. I am saying that I don't know how to justify if he stole a car and he ran toward your house and in the process of shooting at him ten bullets went into your house, that's what I am saying."

Chief Gain: "Mr. Walker, I want to say that regarding that incident we have to go ahead and complete our investigation with the Board of Review that will be completed next week then we will know what the

rules and the law are, applied to the circumstances, and before that time I can't prejudge it and come to any conclusion."

Charles Walker: "I am not asking that but also Chief I said the outlook of what I said was there are lots of other things that happened that the problem in Internal Affairs of the San Francisco Police Department they have investigated things that happened out there and they have been right. I am saying but when the Community looks at it from its point of view, that's what I am saying, I am not indicting the Southeast Station, I just want to get that clear too."

Chief Gain: "We are concerned about the perception of citizens there although we addressed that Mr. Walker, I appreciate and respect your coming here tonight, I just want to put it more in balance as I did here something about letters to the Chief and I haven't gotten them."

Charles Walker: "All I can go by is what they say is that they sent some letters and I was at one meeting, one occasion where a letter was sent to your office and we never heard from it and one was also sent to the Mayor's Office and it was concerning after you had attended a meeting at Hunterspoint and we never had a reply from it as of yet you had attended a meeting with the Mayor. I don't know if you remember that meeting."

Chief Gain: "I remember the meeting. That was on the issue of Community Development Funds."

Charles Walker: "Yes."

Chief Gain: "And if I got a letter from a certain address, I replied to it."

Commissioner Siggins: "Well, listen Mr. Walker, we appreciate it. I am satisfied that the Chief on his own initiative took some action in this matter as soon as he heard about it and that something will be done. The letter that came from that coordinating council indicates, I think, something about a lack of representation in police matters from the Hunterspoint District, but let's develop a relationship between you... you are a coordinator are you not?"

Charles Walker: "No, I am the Chairman of the Committee there. You know when they have problems and like these in the Community, I chair that Committee and I was just asked to come down and bring that letter to you, that's all."

Commissioner Siggins: "Well, we should be able to

work together with you and see how....."

Charles Walker: "Well, I would like to just know, the Community is interested in knowing if we can get a report of what action is going to be taken or what will be done concerning this and be permitted to attend er....."

Commissioner Ciani: "Chief, could a copy of this report be made available by mail to Mr. Walker?"

Chief Gain: "Certainly, unless, unless it turns out that it is in the category of a personnel matter, because it might result in some corrective action, I don't know yet, just as a legal matter, whether it becomes a personnel matter."

Commissioner Ciani: "Well, you could inform them of the outcome, if that's the outcome."

Chief Gain: "Right, well we will tell them what the outcome is. I am talking about the report per se, I don't know legally if it's a personnel matter, what we can do with it. Let me say this Mr. Walker, if we can, under the law, give you a copy of that report, you will get it. You certainly will get a report on the conclusions, because we intend to not only tell you, but members of the Community, specifically and obviously, those two apartments and to the Bayview-Hunterspoint Community Coordinating Council. We want a good understanding of what occurred, and what we did about it. We have got to take care of that problem and we will."

Charles Walker: "Thank you."

Commissioner Siggins: "Thank you Mr. Walker, oh pardon me. Commissioner Murphy?"

Commissioner Murphy: "I would just like to ask the Chief, you (Mr. Walker) can listen if you want to or not, do you think they were justified firing their weapons in that particular situation?"

Chief Gain: "Under the rules and regulations, now this is going to be the matter of another investigation to be conducted, that as soon as a discharge of firearms took place, then the Superior Officer at that station should have conducted an investigation pending the discharge of firearms only. What happened, who was involved, why did it happen, what were the results of that and then submitted a report and part of that would have been, of course, at 5:30 in the morning or 6, to go in and talk with the residents of those two apartments."

Commissioner Toler: "This happens, this happens?"

Chief Gain: "That's what should of happened, but that didn't happen, so as far as the Superior Officers in the station we are in the process of somewhat now to determine why they didn't do that which they should have done, and we will be taking action in that regard also."

Commissioner Murphy: "I think that is one of the most serious parts of this, aside from the potential of killing somebody in that home, I think this is terribly serious."

Chief Gain: "The actual consequence of it was, of course, that we have citizens in that area, and specifically within those homes, thinking that they have a very insensitive police department. They didn't go to the house at 5:30 in the morning and, in fact, didn't get there until Sunday morning after the Chief of Police had to direct them to do that."

Charles Walker: "That was one of the main concerns, that's how everybody came together because of the question she just asked."

Chief Gain: "It is my understanding the residents of those apartments finally went to a television station to make their views known because they thought that no one cared."

The members of the Commission and the Chief, having been furnished copies of the minutes of the meeting of January 18, 1978, and they having returned amended copies of same, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "I have no report except that I have scheduled a trip to Los Angeles for Friday, Saturday, and Sunday. I don't know whether I can go on that date now that we are having a meeting, or what the pleasure of the Commission may be, but if you request that I be here, then I'll be here."

Commissioner Murphy: "Do you feel it's absolutely necessary for you to be here? It seems to me, I mean maybe it's a matter between the Commission and the City Attorneys and the representatives of the police force."

Commissioner Siggins: "Would you make arrangements for the City Attorney to be here?"

Sergeant Frazier: "The City Attorney? Sure."

Commissioner Ciani: "Can't you leave right after?"

Chief Gain: "First I would like to have permission to go down there. And then I would have to determine myself if I will go or not."

Commissioner Murphy: "I move we give him permission to go and leave it up to him as to whether he should stay or not. It may be that we won't hardly need him."

Chief Gain: "In the event that I do go, Deputy Chief Mullen will be the acting Chief of Police, Friday, Saturday, and Sunday. I will return to San Francisco about six o'clock Sunday night."

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfers of the rights to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFERORS</u>	<u>TRANSFEREES</u>	<u>NO. OF PERMITS</u>
Donald S. Gee 1746 Anza Street San Francisco, Ca.	Golden Cab Co. Inc. 1746 Anza Street San Francisco, Ca.	2

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NAY: Commissioner Ciani

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
New Yellow Cab Cooperative 695-8th Street San Francisco, Ca.	Jose L. Cuevas 695-8th Street San Francisco, Ca.	1

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION REQUESTING THE CIVIL SERVICE COMMISSION TO ESTABLISH A Q2 POLICE OFFICER ELIGIBLE LIST WHICH WILL HAVE A BILINGUAL (CANTONESE-ENGLISH) CERTIFICATION WHICH ALLOWS PREFERENCE TO BE GIVEN TO C.E.T.A QUALIFIED PERSONS.

Commissioner Siggins: "What this is doing is that this resolution provides that I write a letter to the Civil Service Commission."

Chief Gain: "Yes. We received funding for 20 bilingual persons off the present Q-2 list, and there are only 11 bilingual persons, so we still have the money, so what we want to do is hire 9 more. And that's going to require that they have a Q-2 examination with a bilingual test. So we can hire 9 policemen."

Commissioner Murphy: "A point of information only. This wouldn't require a meet and confer session, would it?"

Chief Gain: "No, that's already resolved, because we have hired eleven."

Commissioner Murphy: "Yes, I understand."

RESOLUTION NO. 93-78

REQUEST OF THE POLICE COMMISSION THAT THE CIVIL SERVICE COMMISSION ESTABLISH A Q2 POLICE OFFICER ELIGIBLE LIST WHICH WILL HAVE A BILINGUAL (CANTONESE-ENGLISH) CERTIFICATE WHICH ALLOWS PREFERENCE TO BE GIVEN TO C.E.T.A. QUALIFIED PERSONS.

WHEREAS, the department has received federal funding to hire up to 20 bilingual Cantonese speaking officers and 59 officers supported in part by C.E.T.A funds and in part by ad valorem funds; and

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WHEREAS, a survey of the current eligibility list showed that there were no more than 11 Cantonese speaking eligibles and 17 C.E.T.A qualified eligibles, all of whom were hired on January 24, 1978; and

WHEREAS, it will be necessary to create a larger pool of such candidates to get full use of federal funds; therefore be it

RESOLVED, that the Police Commission hereby requests that the Civil Service Commission establish a Q2 Police Officer eligible list which has bilingual (Cantonese-English) certification and a certification which allows preference to be given to C.E.T.A. qualified persons.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT THE DEPARTMENT STAFF PROPOSED GENERAL ORDER ON MISEMEANOR CITATION PROCEDURES.

Chief Gain: "Mr. President and members of the Commission, this is merely a matter of getting it calendared, because copies of the proposed general order was sent to the employee organizations, so now they have ten days in which to decide whether they want to meet and confer on the proposed regulation."

Commissioner Murphy: "This is the Mary Vale thing?"

Chief Gain: "Mary Vale, Kevin Mullen, Amitai Schwartz, the President of the Bar Association and others."

HEARING REGARDING GRIEVANCE 7-77 FILED BY ASSISTANT INSPECTOR MICHAEL WILLIAMS. (CONTINUED FROM MEETING OF FEBRUARY 8, 1978) - CONTINUED TO MARCH 8, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 94-78

CORDEAN GRAY, 1422 CLERK-TYPIST, (C.E.T.A), SUPPORT SERVICES BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Cordean Gray, 1422 Clerk-Typist, (C.E.T.A), Support Services Bureau, as follows:

SPECIFICATION NO. 1

Reflecting Discredit Upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Subverting the Good Order of the Department (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Clerk-Typist Cordean Gray, Support Services Bureau, be, and the same is hereby set for Wednesday, March 8, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

521-7th STREET - DIAMOND CHEMICAL & DRAPERY MAGIC

- a) At 521-7th Street, install a 24' yellow zone, to extend from north property line to 24' south of same.

751 IRVING STREET - LUBA DESIGNS

- a) At 751 Irving Street, revoke existing 36' yellow zone, extending from west property line to 36' east of same.

30 VAN NESS AVENUE - STATE OF CALIFORNIA BANK OF AMERICA

- a) At 30 Van Ness Avenue, install a 22' Blue zone, to extend from 84' to 106'

south of north property line.

712 GOUGH STREET - WOLOSKI CO.

- a) At 712 Gough Street, revoke existing 22' yellow zone, extending from 67' to 89' north of McAllister Street.

2101 MASON STREET - PALACE GATE 11

- a) At 2101 Mason Street, install a 22' green zone, extending from south property line; 22' north.

813 FOLSOM STREET - PACIFIC CONSTRUCTION SUPPLY

- a) At 813 Folsom Street, revoke existing 24' yellow zone, extending from 21' to 45' east of west building line.

3250 - 19th AVENUE - MERCY HIGH SCHOOL

- a) At 3250-19th Avenue, extend present 42' white zone, which runs from 18' to 60' north of south building line another 46' from 60' to 106' north of south building line.

712 GOUGH STREET - HOLY ORDER OF NUNS

- a) At 712 Gough Street, revoke existing 40' white zone, extending from 27' to 67' north of McAllister Street.

2352 POST STREET - MEDICAL OFFICES

- a) At 2352 Post Street, install a 24' white zone, extending from east property line 24' west.

640 STANYAN STREET - S.F.P.D.

- a) At 640 Stanyan Street, revoke existing 44' green zone, extending from 6' to 50' south of north property line. #636 Stanyan Street.

580 SHOTWELL STREET - DENNIS WINN & ASSOCIATES

- a) At 580 Shotwell Street, install a 24' yellow zone, to extend from 32' to 56' south of north property line.

298 ARLINGTON - ARLINGTON GROCERY

- a) At 298 Arlington, revoke existing 21' yellow zone, extending from 3' to 24' north of Miguel Street.

650 POST STREET - 650 POST APTS.

- a) At 650 Post Street, install a 22' white zone, to extend from 4' to 26' west of east property line.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 187 feet of yellow, white, and green zones at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 79-78

MARY E. BURTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary E. Burton against the City and County of San Francisco in the sum of \$144.87 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 12, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 80-78

CALIFORNIA STATE AUTOMOBILE ASSOCIATION (DON LEE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of California

148
State Automobile Association (Don Gee) against the City and County of San Francisco in the sum of \$374.17 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: August 3, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 81-78

LEILANI CHUN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leilani Chun against the City and County of San Francisco in the sum of \$35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 82-78

ANN CORIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann Corin against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 83-78

BARBARA ENRIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Enright against the City and County of San Francisco

in the sum of \$12.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 84-78

KEITH H. KERR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Keith H. Kerr against the City and County of San Francisco in the sum of \$414.35 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: December 13, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 86-78

EVELYN MAKAVECKAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evelyn Makaveckas against the City and County of San Francisco in the sum of \$250.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: February 21, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 87-78

MARY ANNE NAKAMURA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary

Anne Nakamura against the City and County of San Francisco in the sum of \$40.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 7, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 88-78

JAMES RONK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Ronk against the City and County of San Francisco in the sum of \$27.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 15, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 89-78

HARVEY R. WOLF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harvey R. Wolf against the City and County of San Francisco in the sum of \$104.35 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 16, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 90-78

POLICE NARCOTIC FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$2,000 charging same to Appropriation No. 7.161.890.050 as an advance on the Police Narcotic Fund for the month of March, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 91-78

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$4,000 charging same to Appropriation No. 7.161. 890.000 as an advance on the Police Contingent Fund for the month of March, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 92-78

AUTHORIZING ATTENDANCE OF CAPTAIN ERNEST J. RAABE, TRAFFIC BUREAU AND CAPTAIN EDMUND J. CASSIDY, INGLE-SIDE POLICE STATION, AT AN EXECUTIVE DEVELOPMENT COURSE AT GOLDEN GATE UNIVERSITY, TIBURON, CALIF-ORNIA, FROM MARCH 5, 1978 TO MARCH 17, 1978, INCLU-SIVE.

RESOLVED, that the recommendation of the Chief of Police that Captain Ernest J. Raabe and Captain Edmund J. Cassidy, be detailed to attend an Executive Development Course at Golden Gate University, Tiburon, California, from March 5, 1978 to March 17, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Captain Raabe and Captain Cassidy in a sum not to exceed \$446.80 each in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

ABSENT: Commissioner Ciani

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	60	62
Daily average for the week disabled	<u>113</u>	<u>106</u>
TOTALS	173	168

Daily percentage for the week sick	3.23
Daily percentage for the week disabled	<u>6.70</u>
TOTAL	9.93

This is an increase of five (5) members off duty daily from the previous week.

Disabled at the start of the week	106
Started during the week	21
Returned during the week	22
Disabled at the end of the week	105
Net Gain or Loss	-1

SICK AND DISABLED FOR THE WEEK ENDING FEBRUARY 1, 1977 AT 2400 HOURS:

Daily average for the week sick	84
Daily average for the week disabled	<u>91</u>
TOTAL	175
Daily percentage for the week sick	4.20
Daily percentage for the week disabled	<u>5.54</u>
TOTAL	9.74

SICK AND DISABLED FOR THE WEEK ENDING DECEMBER 27, 1977 AT 2400 HOURS:

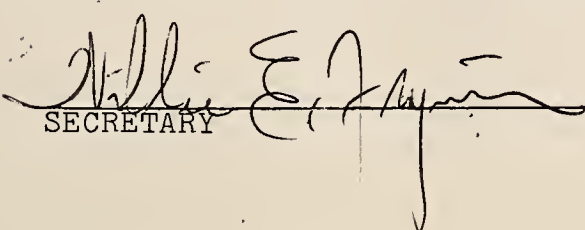
Daily average for the week sick	48
Daily average for the week disabled	<u>103</u>
TOTAL	151
Daily percentage for the week sick	2.50
Daily percentage for the week disabled	<u>6.22</u>
TOTAL	8.72

The report was ordered filed.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

ABSENT: Commissioner Ciani

The Commission adjourned its meeting at 1940 hours.


SECRETARY

APR 19 1978

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24 FEBRUARY 1978

SPECIAL MEETING

minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Friday, February 24, 1978 at 1700 hours in Special Session.

PRESENT: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

Commissioner Siggins presiding.

RESOLUTION NO. 85-78

PROPOSED CHARTER AMENDMENT RELATING TO PROMOTIONS
IN THE UNIFORM FORCE OF THE POLICE AND FIRE DE-
PARTMENTS.

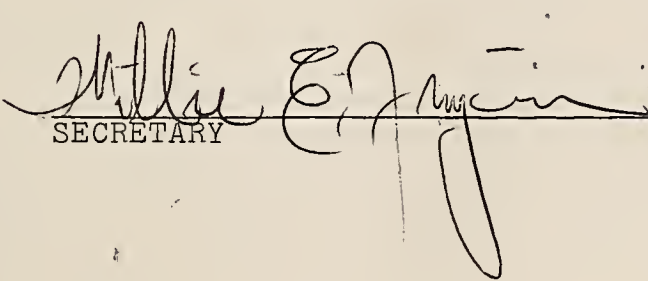
RESOLVED, that the Police Commission does hereby approve the submission to the voters of San Francisco, the proposed Charter Amendment (second draft) amending Sections, 3.530, 3.537, 3.534, 8.327, and 8.340 relating to promotions in the uniform forces of the Police and Fire Departments.

NOTE: Commissioner Sanchez requested permission to abstain because of not having the necessary time to digest the particulars of the proposed Charter Amendment, and was given permission to do so by unanimous approval of the Commission.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOTE: Copy of Proposed Charter Amendment on file in the Office of the Police Commission.

The Commission then adjourned its meeting.


SECRETARY

APR 19 1978

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1 MARCH 1978

3 Minutes

EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, March 1, 1978 at 1630 hours in Executive Session.

PRESENT: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

Commissioner Siggins presiding.

1. Attorney/Client Conference.

1 MARCH 1978

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, March 1, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

Commissioner Siggins presiding.

PRESENTATION OF CERTIFICATES AND MEDALS OF VALOR

Commissioner Siggins: "I would like to turn that over to Commissioner Murphy who chaired the last awards meeting."

Commissioner Murphy: "I am very proud as usual to preside at this particular meeting because this is the one time that we, as Commissioners, and maybe some of the rest of the police force too, get to view the outstanding work of the Police Department and its officers, and it's a very rewarding-sort of experience. Rewarding because of the very, very high caliber of police work that is done and the tremendous amount of courage that is shown. Again, we have a strange sort of situation where of some 15 awards given, several are given for activities that prevented suicides. And it shows what a terribly, really mentally disturbed, world we are living in. It seems to me that people are trying to take their lives and endanger other lives in the meantime. The first award is a Gold Medal Award to former Police Officer Frank B. Iavarone who is

now with the San Francisco Fire Department, and would Mr. Iavarone come up please? This is our only Gold Medal, I'm sorry you left the Police Department, but having survived and rescued someone from a terrible fire, maybe that is the reason you went to the Fire Department. Is that right?"

Frank Iavarone: "Yes Commissioner. Thank you very much."

Commissioner Siggins: "Congratulations."

Commissioner Murphy: "The next group I am going to call up, if you will come when I call your names, are recipients of Silver Medals. Police Officer Gerard M. Neybert, Assistant Inspector John R. Troche, Assistant Inspector Thomas A. Burns, Police Officer Walter K. Kliegel, Police Officer Peter H. Godbois, Lieutenant Richard D. Klapp, Lieutenant Michael A. Brush, Police Officer Paul F. Mackaveckas. O.K. Thank you very much, we are very proud of you.

Now the Bronze Medals and we are particularly proud that one of our women police officers is receiving a Bronze Medal, Pamela Wormes and Police Officer Lynn J. Smoot and Police Officer Thomas F. Powers and Police Officer James W. Bloesch. I think this concludes the group that are here and lets give them all a big round of applause."

At this point Commissioner Murphy received permission to leave the meeting.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report Mr. President."

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the rights to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate a taxicab to the within-named transferees; said approval contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

TRANSFERORS

TRANSFEREES NO. OF PERMITS

Yellow Cab Coop-
erative
695-8th Street
San Francisco, Ca.

William L. Hanks 1
331 Hugo Street
San Francisco, Ca.

Yellow Cab Coop-
erative
695-8th Street
San Francisco, Ca.

Ronald Zammataro 1
3662A-19th Street
San Francisco, Ca.

AYES: Commissioners Ciani, Sanchez, Toler,
 Siggins

NOT VOTING: Commissioner Murphy

TRANSFER OF TAXICAB PERMIT - CONTINUED FOR ONE (1)
WEEK.

The matter of the taxicab transfer from Gordon Jackson
to Leroy Blanchard has been continued for one (1) week
as neither party appeared before the Commission at
this time.

AYES: Commissioners Ciani, Sanchez, Toler,
 Siggins

NOT VOTING: Commissioner Murphy

APPROVAL OF THE ESTABLISHMENT OF A CLASS OF POLICE
SERVICE AIDES, AND A SUPPLEMENTAL APPROPRIATION TO
EQUIP THE NEW CLASS - CONTINUED FOR ONE (1) WEEK.

AYES: Commissioners Ciani, Sanchez, Toler,
 Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 101-78

POLICE OFFICER MICHAEL MORRIS, PARK POLICE STATION

WHEREAS, charges of violating the Rules
and Procedures of the San Francisco Police Depart-
ment were filed against Police Officer Michael Morris,

Park Police Station, as follows:

SPECIFICATION NO. 1

Reflecting Discredit on the Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Misconduct (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Michael Morris, Park Police Station, be, and the same is hereby set for Wednesday, March 15, 1978, at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 102-78

STATION OFFICER JERRY L. CLARK, SOUTHEAST POLICE STATION.

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Station Officer Jerry L. Clark, Southeast Police Station, as follows:

SPECIFICATION NO. 1

Reflecting Discredit on the San Francisco Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Carrying a Concealed Firearm.
(Violation of Section 2.13 of
the Rules and Procedures of the
San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to Truthfully Answer
Questions from Superior Officer.
(Violation of Section 2.49 of the
Rules and Procedures of the San
Francisco Police Department.)

SPECIFICATION NO. 4

Submitting a False Report. (Vio-
lation of Section 2.49 of the Rules
and Procedures of the San Francisco
Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the
Police Commission on charges filed against Station
Officer Jerry L. Clark, Southeast Police Station,
be, and the same is hereby set for Wednesday, March
15, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of
the Traffic Bureau on the installation of zoning
for the regulation of traffic on the public streets,
be, and the same are hereby approved:

1499 GREEN STREET - CAN CAN RESTAURANT

- a) At 1499 Green Street, install a 22'
white zone, to extend from west property
line to 22' east of same.

3101 PIERCE STREET - GIOVANZANA FURNITURE

- a) At 3101 Pierce Street, install a 22' green zone, to extend from south property line to 22' north of same.

790 CALIFORNIA STREET - REALITY GUILD

- a) At 790 California Street, install a 22' white zone, to extend from 22' to 44' east of west building line.

640 STANYAN STREET - THE MARVELOUS MOPED

- a) At 640 Stanyan Street, install a 22' yellow zone, to extend from 6' to 28' south of north property line.

2693 SUTTER STREET - LOVE CHAPEL CHURCH

- a) At 2693 Sutter Street, install a 22' white zone, to extend from 2' west of driveway to 24' west of same.

101 GREENWICH STREET - CHRISTINA UNLIMITED

- a) At 101 Greenwich Street, revoke existing 20' yellow zone, extending from 2' to 22' west of Battery.

101 GREENWICH STREET - CHRISTINA UNLIMITED

- a) At 101 Greenwich Street, revoke existing 20' green zone, extending from 22' to 42' west of Battery Street.

181-191 ELLIS STREET - FISH AND CHIPS

- a) At 181-191 Ellis Street, revoke existing 66' special truck zone, extending from east building line to 66' west of same.

790 BRANNAN STREET - COURIER, LTD.

- a) At 790 Brannan Street, revoke existing 20' yellow zone, extending from 11' to 31' east of west property line.

822 KEARNY STREET - PACIFIC IMPORTERS

- a) At 822 Kearny Street, revoke existing 42' yellow zone, extending from 92' to 134' north of Washington Street.

836 KEARNY STREET - INTERNATIONAL HOTEL

- a) At 836 Kearny Street, revoke existing 42' special truck zone, extending from south property line to 42' north of same.

220 MCALLISTER STREET - CIVIC CENTER BOOKS

- a) At 220 McAllister Street, revoke existing 22' yellow zone, extending from 75' to 97' west of Hyde.

71 HYDE STREET - VARIOUS STORES

- a) At 71 Hyde Street, revoke existing 32' white zone, extending from north building line to 32' south of same.

1000-15th STREET - SIDNEY DAVIS FABRICS, INC.

- a) At 1000-15th Street, revoke existing 44' yellow zone, extending from 40' to 84' west of east property line.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 308 feet of yellow, green and white zones at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 96-78

CORBETT H. BOWERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Corbett H. Bowers against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1977

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 97-78

HENRY C. LANGRUM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry C. Langrum against the City and County of San Francisco in the sum of \$430.60 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: November 13, 1977

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 98-78

STATE CAB CO. INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the State Cab Co, Inc., against the City and County of San Francisco in the sum of \$85.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 2, 1977

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 99-78

MICHAEL A. ZAJONO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael A. Zajono against the City and County of San Francisco in the sum of \$12.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 10, 1977

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 95-78

AUTHORIZING ATTENDANCE OF STAFF ASSISTANT VII RAYMOND T. GALVIN AT AN ON SITE AUDIT OF THE INTEGRATED CRIMINAL APPREHENSION PROGRAM AND CAREER CRIMINAL PROGRAM OF THE NEW ORLEANS, LOUISIANA POLICE DEPARTMENT, FROM MARCH 5, 1978 TO MARCH 12, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Staff Assistant VII Raymond T. Galvin be detailed to attend an On Site Audit of the Integrated Criminal Apprehension Program and Career Criminal Program of the New Orleans, Louisiana Police Department from March 5, 1978 to March 12, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Staff Assistant VII Raymond T. Galvin in a sum not to exceed \$760.00 will be defrayed by the Integrated Criminal Apprehension Program.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 100-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Dr. Mimi H. Silbert,) \$175.00 (Quarterly public meet-
 Department Training) (ing of Commission on
 Consultant) (Peace Officer Standards
 (and Training in San Diego,
 (California, from Jan-
 (uary 25, 1978 to Jan-
 (uary 27, 1978, inclusive.

AYES: Commissioners Ciani, Sanchez, Toler,
 Siggins

NOT VOTING: Commissioner Murphy

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	47	60
Daily average for the week disabled	<u>106</u>	<u>113</u>
TOTALS	153	173
This is a decrease of twenty (20) members off duty daily from the previous week.		
Daily percentage for the week sick		2.47
Daily percentage for the week disabled		<u>6.28</u>
TOTAL		8.75
Disabled at the start of the week		113
Started during the week		15
Returned during the week		23
Disabled at the end of the week		105
Net Gain or Loss		-8

SICK AND DISABLED FOR THE WEEK ENDING FEBRUARY 8, 1977 AT 2400 HOURS:

Daily average for the week sick	80
Daily average for the week disabled	<u>87</u>
TOTAL	167
Daily percentage for the week sick	4.02
Daily percentage for the week disabled	<u>5.30</u>
TOTAL	9.32

SICK AND DISABLED FOR THE WEEK ENDING DECEMBER 28,
1977 TO JANUARY 3, 1978 AT 2400 HOURS:

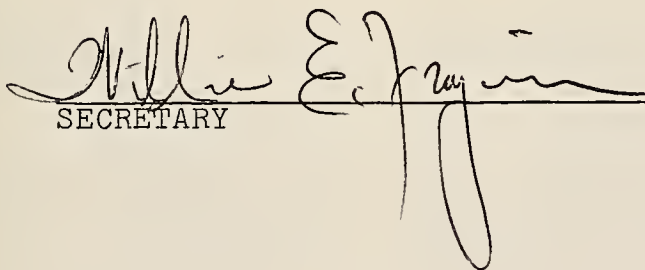
Daily average for the week sick	48
Daily average for the week disabled	<u>106</u>
TOTAL	154
Daily percentage for the week sick	2.53
Daily percentage for the week disabled	<u>6.43</u>
TOTAL	8.96

The report was ordered filed.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

The Commission adjourned its meeting at 2350
hours.



SECRETARY

8 MARCH 1978

REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, March 8, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Murphy, Sanchez, Toler, Siggins

ABSENT: Commissioner Ciani

MAY 10 1978

Commissioner Siggins presiding.

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The members of the Commission and the Chief of Police having been furnished copies of the minutes of the meeting of January 25, 1978, the Commissioners and the Chief of Police having returned amended copies of same, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

MEET AND CONFER WITH THE CIVIL SERVICE ASSOCIATION,
LOCAL 400, RE: POLICE SERVICE AIDES.

Chief Gain: "This is in regard to the Police Service Aides."

James Diggins, Local 400: "Thank you Mr. President and Commissioners for granting us this Meet and Confer. As you know, as previously stated, we are not in opposition to this idea at all. However, we felt that we would have been remiss in our obligation if we did not request this Meet and Confer, because many of our members have asked questions that have not been answered. And at this time I would like, with your permission, to have them direct questions to whosoever can answer them, or whichever way you would like to handle it."

Commissioner Siggins: "Well, why don't you go ahead. When we talk about Meet and Confer, I think we should have some questions like the ones you presented to me, maybe the department can answer them through Deputy Chief Mullen."

Mr. Diggins: "That is correct, I got an answer to

that question. Before I begin, to clear the air, we have a representative of the San Francisco Police Officers' Association, and for the record Chief or Deputy Chief; I would like for him to tell me whose idea this was, the Police Service Aides, because the police association seems to think it was our idea."

Chief Gain: "It was my idea. And staff's idea."

Mr. Diggins: "Alright, fine, thank you. You can start the questioning. (To his members) Bill."

(Bill): "I have a question I would like to address to the Commissioners."

Sergeant Frazier: "Excuse me, would you state your name please?"

William Segale: "My name is William Segale and I am a Station Officer. In January there was a Meet and Confer in regards to a transfer policy with the Police Officers' Association and the policy was issued throughout the entire department which included civilian employees as well as all Station Officers. My question in regards to this is, as a result of this transfer policy, an agreement was made that an officer or if a member was transferred by his own request, he would be replaced on seniority or placed by watch, wherever he was transferred to by the Commanding Officer. However, if the department transferred him, then he would be placed on the watch by seniority. Now when the member requests a transfer, and he is transferred to another unit, his Commanding Officer places him on a unit as per his needs until the next seniority sign up. The question comes up when there is a seniority sign up, in District Stations as well as elsewhere and I have been in a number of different places, I have never seen Station Officers or any other civilians included in a seniority sign up. This would present a slight conflict in situations. And I would like to know if there is someone who can clarify this?"

Commissioner Siggins: "I think I can start out by saying that we had a meeting, a Meet and Confer session, regarding transfer policys and it so happened that the department while we were there, the department and the police officers' association came to an agreement that did not require us to get involved. Isn't that correct?"

Chief Gain: "Mr. President, if I may suggest, the subject matter is not appropriate for Meet and Confer."

William Segale: "Excuse me Chief. I noticed this

slight conflict before any problems ever arose in the future. That's the only reason I jumped up... it's just that I want to let it be known that there is a slight conflict."

Chief Gain: "That is not the subject of a Meet and Confer session. We are talking about the Police Service Aide position, right? This relates to a transfer policy. We would be happy to talk to you about that tomorrow or any other time, but this is not the subject of the meeting."

William Segale: "O.K, I apologize, I am sorry in regards to that, but I will bring it up at another time. The next question I would have would be to Deputy Chief Mullen. On your examples of duties that you have listed for this classification of 8213 Police Service Aide, II, you list the item numbers one through ten, approximately 20 Station Officers are here and I would say that at least half of them have never even seen this. They have only heard of some of these possible duties as per word of mouth. And as we all know word of mouth the more people it goes through the more it changes. Would it be possible to read one of these and see if there is any questions, if we could go through some of these examples of duties, go through the ten of them, one at a time and if anybody has any questions, answer the questions and I think this will cover the majority of the whole thing or situation here. It would be the most fastest."

Deputy Chief Mullen: "You are enumerating between one and ten?"

William Segale: "Well, according to the paper that I have unless it has been changed on here where it says examples of duties for this 8213. It shows they are numbered one through ten, there are ten items listed."

Deputy Chief Mullen: "I think you are reading from an earlier draft. Let me give you this one. This is the one that was presented to the Commission."

William Segale: "O.K, the first example of duty is, take information from victims after the occurrence of certain specific crimes and completes incident reports thereof. Prepare stolen/recovered auto thefts and auto boosting reports where needed for preliminary investigations, if not evident. Prepares reports on abandoned autos, found property, accidents where no physical injury is involved, and missing and returned persons."

Deputy Chief Mullen: "What is your question?"

William Segale: "I would just like to know, I wanted to read these so that if anybody had any questions they could bring them up. And I think there might be one that Mr. Diggins might have and that should complete the whole thing. Is there any questions in regard to this?"

Joe Finnigan, Station Officer, Mission Station: "I have a question. My name is Joe Finnigan. I am a Station Officer from Mission. I would like to know if we are going to be out in uniform or riding in patrol cars or what?"

Deputy Chief Mullen: "Yes, uniforms."

Joe Finnigan: "Are they going to be similar to the ones we have now?"

Deputy Chief Mullen: "At the outset we are, what we propose to do as the program develops is to have a uniform very similar to that of the Parking Control Officers."

Chief Gain: "You will be in unmarked cars though, not marked cars."

William Segale: "The second example of duty is assist sworn personnel in the processing, custody, and control and transportation of arrestees. Do you have any questions in regards to that?"

Barbara Doyle, Station Officer, Southeast Station: "Does that include working on a paddy wagon?"

Deputy Chief Mullen: "As the second person on a patrol wagon, yes."

Barbara Doyle: "And when they are taken up to the jail, will we book them or will the deputy sheriffs do that?"

Deputy Chief Mullen: "As the system is now designed, you would be taking them up and accompanying the police officer to do the booking. But I realize that the sheriff has plans underway to develop an intake center down in the basement of the Hall of Justice. But at this time you will be taking them up."

Mary Burns, Station Officer, Park Station: "If we are working on patrol wagons, will we be armed or unarmed?"

Deputy Chief Mullen: "Unarmed."

Jerry Clark, Station Officer, Southeast Station:
"Suppose we get injured during the course of our duties, how will we be covered?"

Deputy Chief Mullen: "You are covered under the Miscellaneous Employee Provisions of the Civil Service Rules because there is nothing, we designed the job and we will implement it in such a way that there is nothing more intrinsically dangerous than now exist in the Station Officers spoken duties. We have other civilian employees who do go on the street, we naturally do not expect you to take police action in regards to crimes no more than we expect a Parking Control Officer to do so. In that light you would be covered under the Miscellaneous Employees."

Mr. Diggins: "That is Workman's Compensation, is that correct?"

Deputy Chief Mullen: "That is correct."

Richard Artebury, Station Officer: "I have a question. A lot of these Station Officers that we have now working are not familiar with the responsibilities of handling arrestees. Basically, they have booked enough prisoners to know the risk of handling these people, they know the potential, the danger potential, that is involved. There have been numbers that have been injured in enforcing our duties. We have come out on the short end of the stick more than once, as far as restitution for finances in the line with our injuries. A lot of the training that we had was strictly on the job. And I would like to know at this time what the police department is going to do as far as our training."

Deputy Chief Mullen: "It is true that in the past, Station Officers have been hired and the training they received have been on the job. And this is the process we are going through, we are going through the process of getting our Commission's approval to send this proposal to Civil Service for their approval. At this time what we have done is, I have been in consultation with members of our training staff with the view to tailoring a training program and the tentative time period we are quoting right now is six weeks to develop a curriculum to suit the task that we expect the Police Service Aide to perform. We are not going to send or expect people to perform these tasks without really accurate training. We have already been in consultation with our training staff to tentatively develop a curriculum around the tasks that are going to be performed. So no one is going to be asked to perform the duties of Police Service Aide, as Station Officers were in the past, without full academic training to suit them for the job. At least as much as we presently give our Muni Transit Officers."

William Segale: "O.K. Number three on this is to assist sworn personnel in retrieving stolen property or physical evidence, from crime scenes and transporting same to a police or other facility. Number four, accepts evidential property for booking, bags property for safe keeping, checks out property to officers for use as evidence, and keeps records as required for custody of property. I think the majority of these understand some of these because they see it done every day in the station. Number five, assist desk officers by answering routine questions from the public relating to police procedures and activities. May be required to perform routine clerical duties. May operate a computer terminal in processing requests for information, status of stolen vehicles, outstanding warrants or other computer stored data. Do we have any other questions in those regards?"

Barbara Doyle: "Are you planning on leaving the Police Service Aides on day watch only? Or will they be working at night also?"

Deputy Chief Mullen: "Night as needed."

Alwin Carpenter, Station Officer, Taraval Station: "One point I would like to bring up, my name is Alwin Carpenter, Station Officer at Taraval Station, I have spent some time at the City Prison as well as numerous years in the stations. If in a hypothetical situation, if one of us were driving down the street and onviewed an incident in which an individual would be injured, whether it would be pursesnatch or grand theft or just common battery, would there be any way to cover us if we should happen to take action on the moment, there is not enough time to ask for a radio car to come in and give us a hand or let them take over, is there any way to cover us in case we are injured other than State Compensation merely to protect our families?"

Chief Gain: "The answer to the question is this, you will not be called for, nor permitted to undertake a task outside the scope of the job."

Alwin Carpenter: "Yes Chief, however, driving from point A to point B to take a report like on a cold burglary, an elderly lady walking down the street gets jumped by X number of individuals, I mean if we don't intervene....."

Chief Gain: "Call over the radio. You will not be police officers, and you will not be expected, nor will you be required, nor permitted, to undertake the tasks of a police officer. You will have to do those things within the limitations and scope of your job. Call on the radio for police assistance wherever it may be. Do not, you will not be permitted, nor should you undertake the tasks of a police officer, don't do it. Therefore, you will not concur the same hazardous aspects of a job that a police officer would. O.K? It's in fact, that

simple."

Barbara Doyle: "I just have one question about that. When you are second man on the wagon and the police officer you are working with is having trouble, you are suppose to stand back and let him have trouble? I can understand that with respect to being in a station or something like that."

Chief Gain: "You see we are dealing with hypothetical terms here and the real test is this, is what is the job scope and you must stay within that job scope, period. And no more will be expected of you than is in that job scope."

Deputy Chief Mullen: "I would like to add to that. We have an experience factor on both components of the question that you raised. The experience factor in regards to driving down the street and coming upon a situation, we have had an extensive experience with non-sworn personnel in that sort of a situation daily and that's our Parking Control Officers. It hasn't gotten to the point, and I'm not saying that never has a Parking Control Officer happened on a situation where something needed to be done, and something was done. But we haven't had the experience to justify a special pension system, and we discouraged it among our Parking Control Officers. In regards to the wagon situation, the parallel is, and I'm not saying that there have not been problems attending to Station Officers in physical confrontations with people in the city prison where there is a lot better chance to have physical confrontations than there is in my experience, that there is in a wagon transportation situation. There hasn't been enough experience there to justify going to a special sort of retirement benefit system or disability system in regards to Station Officers. And that's the way we are going to start it off. Now, if we should get a different experience we would probably take another look at it. Take a different tack."

Mary Burns: "I would like to make a comment about what the other lady was saying. If we are on the wagon and our partner has trouble and we don't do anything, the men are not going to work with us."

Chief Gain: "We are not expecting you to get dumped; the procedures that have to be adopted will have to be such that do not conform to, as a nature, a part of the job to be subjected to getting dumped. And if that occurs, you won't be doing the job. We are not going, from our standpoint, to have the content of the job, as such, that you are going to occur disabilities which would require you having the same type of pension plan as police officers. That's not the intent at all to do that. That's only one example

of the duty as a wagon officer. Whether we ever do that or not, at this point it is unknown. But whatever procedures we adopt, it will definitely be one where you will not be subject to becoming a police officer or this type of thing."

Joyce Rodgers, Station Officer: "Will we be working as partners with police officers?"

Chief Gain: "It depends on where you are assigned and to what type of assignment. If the nature of the activity requires two persons, there will be two."

Joyce Rodgers: "Will it be the usual assignment like directly from the station?"

Chief Gain: "Well, it all depends on what the task are going to be, whether it is directly from the station or wherever it may be."

Joyce Rodgers: "I know in the past there have been like 459 complaints have come from the officers as being in progress and didn't go in and on a supposedly cold 459 went in and it turns out to be still in progress."

Chief Gain: "When you go on a 459 burglary, when you go on one, it will, in fact, be cold, will be refrigerator cold, no way are you going to be sent on any type of thing that may be potentially in progress."

Joe Finnigan: "Who is going to maintain the log-book and handle the station duties such as the counter problems?"

Chief Gain: "Well, our proposal is to hire clerical people to replace the station officers who would become Police Service Aides. That's a part of our plan."

Joe Finnigan: "Would they be taking counter reports such as the station officers are doing right now? Is this program designed to reduce the number of policemen?"

Chief Gain: "Oh, no, no."

Joe Finnigan: "There will still be the same number of policemen for?"

Chief Gain: "In fact, what this plan will do is to

make available the equivalent of something like 33 police officers a year to devote themselves to more law enforcement police work."

Mr. Diggins: "I have a communique here and it is dated February 1st, 1977."

Commissioner Siggins: "77?"

Mr. Diggins: "77, that's quite a long time ago, and that's the latest I have on the duties of a Police Service Aide and in this particular case it shows, I think, I believe ten which have been changed now and reduced to eight. But the only reason I'm reading that is because we aren't abreast of this."

Deputy Chief Mullen: "We've sent you a letter."

Mr. Diggins: "We didn't receive a letter."

Deputy Chief Mullen: "Sergeant Frazier, before we calendared this before this Commission, we sent a copy of our letter to every employee organization, correct? Not this week but before."

Sergeant Frazier: "Yes, before. Right."

Commissioner Siggins: "That is how you brought up the Meet and Confer session, isn't it?"

Mr. Diggins: "Well, I kind of walked into the Police Commission Office by accident because it's my area here and made some inquiries and low and behold I found you were going to Meet and Confer with the Police Officers' Association and decided I had better do something about it. But when will the duties be nailed down, would you say?"

Deputy Chief Mullen: "They are nailed down as far as this department is concerned."

Mr. Diggins: "When will these people have copies of their duties, they really don't know what their duties are."

Deputy Chief Mullen: "Their duties aren't that characteristically different....let me just give you a copy of this letter, you can xerox as many....this is the proposal that the Commission is entertaining right now and they may have copies, as many copies as you wish to make, and upon adoption they will certainly go into a greater deal of training."

Mr. Diggins: "Fine. When do you estimate that you will be able to put this plan into effect?"

Deputy Chief Mullen: "If our Commission approves, it has to go to the Civil Service Commission and I don't, you know, set their schedules, so I don't know how they would go about calendaring it. I would hope that it is within a couple of months from now and we can start our first training class."

Mr. Diggins: "Have you dropped the idea of Police Service Aide #1?"

Deputy Chief Mullen: "Yes."

Mr. Diggins: "then you have also dropped the idea of combining Traffic and Parking Control?"

Deputy Chief Mullen: "Right. No, no, no, that's a separate subject. Traffic and Parking Control has a separate and distinct class from Police Service Aide."

Mr. Diggins: "Final question, how many people are involved, is it 33?"

Deputy Chief Mullen: "Yes, 33, that have accepted status rights."

Mr. Diggins (to members of his association): "Anybody else?"

Jerry Clark, Station Officer, Southeast Station: "Some of the Station Officers have indicated that they don't want to take this training, and if not, will they be sent back to a clerk's position with a cut in pay?"

Deputy Chief Mullen: "No."

Joe Finnigan: "Deputy Chief Mullen, we do have a list of 33 permanent Station Officers that have accepted, how about the parties that are working as Station Officers right now?"

Deputy Chief Mullen: "Temporary?"

Joe Finnigan: "Yes, temporary."

Deputy Chief Mullen: "When the Police Service Aides

become permanent we will have to tell the Station Officers that we will not have a class of temporary Station Officers."

Chief Gain: "We might mention one thing, that if we do eventually have a classification of Police Service Aide, it may be, in regard to Station Officers, that they do not become Police Service Aides, because the nature of the job will change as far as present Station Officers and a point of interest to that I want to discuss is the job would be, one, where the salary in the future might be less than it is now. It wouldn't be a salary decrease but there may not be increases in the future based upon content of the job being changed."

Deputy Chief Mullen: "Yes, it would be frozen, and it is conceivable that people would chose to remain Station Officers and not become Police Service Aides. Their salary would be frozen as over the years whatever the cost of living increases go to Station Officers, they would not get those until at such time as the rate of pay is consistent with the level of duties they are performing. So, I think you can expect this as a realistic proposition, although nobody will get their pay cut for that exercise in status rights. As normal raises come along for Police Service Aides, the department will recommend that the Station Officer not get those raises."

Barbara Doyle: "The Police Service Aides; if the Station Officer doesn't become Police Service Aides then that means that they wouldn't get any raises from their current salaries?"

Deputy Chief Mullen: "No, not necessarily, but when our recommendation to the Civil Service, when Salary Standardization comes along, it will be that the Police Service Aides gets the cost of living increase or whatever that happens to be, but that, based on the fact that there is a more restrictive number of duties, that those who chose to remain Station Officers perform, that Station Officers not get that raise. That's all I am saying."

Barbara Doyle: "Initially, there would be no raise?"

Deputy Chief Mullen: "No. Not initially, no."

Mr. Diggins: "Then the truth, according to what you said, we'd probably have to move them off that bench mark to some other bench mark. Because according to Proposition D, the bench mark gets obeyed and all of the people on the cable wants to get their raises right along with it."

Chief Gain: "The bench mark would be different. By

nature of the Station Officer job becoming different. Basically, comparing the jobs."

Mr. Diggins (To members of Local 400): "Any other questions? Well, I want to thank you very much for taking the time out to listen to us."

Commissioner Siggins: "Mr. Diggins, I am not sure, but you can always come back when you have the opportunity and we will answer your questions, but these are the questions that might well be asked of the department at any time, you know, and I am sorry that that thing wasn't distributed, but the thing for you to do now is to tell us whether you are for or against it."

Mr. Diggins: "We are definitely for it Commissioner, thank you very much."

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, the only thing I have to report on is the preliminary crime report for February, copies of which you have been given, which reflects for February 1978 as compared to 77, there was a 3.6% decrease in crime. The crime that is showing an increase is forcible rape. Then, for the first two months of this year compared to the first two months of last year, there was a 12.5% decrease in serious crime and every crime decreased, with the exception of rape. It shows a 33.8% increase. We have made previous analysis of rape based upon an increase in January, and we are doing the same for February, so that we determine time, place, location profiles and offenders and then take whatever police action we can and also we publish information to the public through our crime prevention program as to how women can take preventive measures in regard to rape."

Commissioner Murphy: "What have some of your findings been Chief? This is just getting all out of hand it seems to me. It's amazing, the 41% increase in forcible rape over last month. Have you found that it is in a particular section of the City?"

Chief Gain: "No, it is pretty well spread. It is really not a concentration within one geographical area, which makes it more difficult as far as the police concentrating their efforts. We do have, just over a considerable period of time, 11 rape incidents which may have been committed by the same perpetrator and we are working on that but generally, it is spread throughout the city, not enough for a concentration and there are a variety of circumstances in which the incidents are taking place. Some are where males are invited into homes or apartments and then the act of rape takes place. Some, of course, are forcible rapes on the street and things of that nature."

Commissioner Murphy: "How many would you say, or, are there any figures on how many are forcible rapes in the street? I think it is one thing if women invite somebody in, it's a friend or something like that, that's hard to prevent, but if you have got some kind of nut....."

Chief Gain: "We made an analysis of rapes and I think the Commission got a copy of that analysis for the month of January, I forgot the exact percent. As I recall, approximately 30 or 40% were on the street."

Commissioner Murphy: "30% out of 55 or 39. There were 39 rapes in January as I read these figures."

Chief Gain: "Well, this is February."

Commissioner Murphy: "I know, but I thought you said your January figures showed that about 30% were off the street."

Chief Gain: "Yes, but that is only a guess, I don't have the report in front of me."

Commissioner Murphy: "Alright, let's just assume that it's true, then that means 10, about 10 or 11 from those of the 39 were off the street."

Chief Gain: "Yes, throughout the City. And we have published information that was printed in some of the local papers as to preventive measures that were taken."

Commissioner Murphy: "I didn't see that."

Chief Gain: "Sergeant, would you get her a copy of that January analysis we made on rapes and the crime prevention bulletin that was issued on that."

Commissioner Murphy: "Is that part of the SAFE program now?"

Chief Gain: "Yes, the analysis was made by our crime analysis unit, and the crime prevention information was a part of the SAFE project."

Commissioner Murphy: "Yes, I understand, that is what you are giving out to the public as well as to the media?"

Chief Gain: "Yes, I have been very concerned about it of course, about this increase and we are from the

standpoint of analysis and identification, deploying policemen appropriately to the problem and also educating women in regard to the problem. That concludes my report."

Commissioner Siggins: "Thank you Chief."

Commissioner Sanchez: "May I ask a question on this also? I wonder as an example, are there special, perhaps educational programs or whatever, for senior citizens, groups pertaining to either theft, robbery, rape, or whatever? Perhaps one of the most disturbing on top of the others, is the apparent increase on crimes on senior citizens who is....."

Commissioner Murphy: "86 years old."

Commissioner Sanchez: "86, whatever?"

Chief Gain: "There are educational programs through our SAFE project. Very definitely, our SAFE project with senior citizens for example, in whatever location, they do give crime prevention information as far as the connection of the person, in every regard, including rape prevention as well as property. That's definite on that."

Commissioner Toler: "What seems to be the age range of the victims, Chief?"

Chief Gain: "We don't have an analysis made for February, we will have that made, I do not have the analysis for January, (to Sergeant Frazier) was that given to the Commission?"

Sergeant Frazier: "Yes."

Chief Gain: "In there, there was an in-depth analysis, age factors, and everything else and we will get you another copy of that analysis. I am sorry I don't have it in front of me so I can't respond."

Commissioner Murphy: "I think age, as I recall, didn't make too much difference, all ages."

Commissioner Siggins: "Thank you, Chief."

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was

called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Gordon Jackson 1225 Clayton Street San Francisco, Ca.	Leroy Blanchard 1738 Lake Street San Francisco, Ca.	1

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

HEARING REGARDING GRIEVANCE 7-77 FILED BY ASSISTANT
INSPECTOR MICHAEL WILLIAMS - (CONTINUED FROM MEETING
OF FEBRUARY 22, 1978) - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 118-78

HEARING OF POLICE CADET JAMES T. MOORE, JR., BUREAU
OF COMMUNICATIONS

WHEREAS, the hearing of Police Cadet James T. Moore, Jr., Bureau of Communications, was called for hearing, it having been set for this date; and

WHEREAS, Mr. Paul Mike Goorjian, attorney for Cadet James T. Moore, Jr., has requested that the matter be continued until March 18, 1978, to allow Cadet Moore time to submit his resignation as a Police Cadet; therefore be it

RESOLVED, that the request of Mr. Paul Mike Goorjian, attorney at law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, March 22, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 119-78

CORDEAN GRAY, 1422-CLERK-TYPIST (C.E.T.A), SUPPORT
SERVICES BUREAU

WHEREAS, the hearing of Cordean Gray, Support Services Bureau, was called, it having been set for this date; and

WHEREAS, Mr. Michael Pruden, Law Clerk, Employment Law Center, who is representing Cordean Gray, has requested a continuance in this matter; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Cordean Gray, is set for Wednesday, March 22, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 121-78

HEARING OF MUNI TRANSIT SECURITY OFFICER GROVER
FORD

WHEREAS, the hearing of Muni Transit Security Officer Grover Ford, was called for hearing, it having been set for this date; and

WHEREAS, Muni Transit Security Officer Grover Ford has requested that a date for the hearing be set after the criminal proceedings have been disposed of in this matter; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Muni Transit Security Officer Grover Ford, be, and the same is hereby approved and continued to Wednesday, March 22, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

Commissioner Siggins stated that for the record, we should answer letter from Mr. Arthur Shartsis, thusly:

"Arthur J. Shartsis, Esq.,
255 California Street
San Francisco, California 94111

Dear Mr. Shartsis:

This is in reply to your letter of March 2, 1978 regarding your client's application to obtain Sightseeing Bus permits in San Francisco.

We were advised by legal counsel a few months ago that tapes of the initial Hearing would have to be transcribed. The tapes were of such poor quality that we have had to send them to several different transcribers who, after making futile attempts to transcribe them, returned them, advising that an accurate record of this type of proceeding can only be achieved through the services of a court reporter.

Mr. Jim Hamblin of KCBS radio recieved word of our plight and offered his assistance. He now has the tapes and advises that after using special equipment he has been able to clear them of excess interferences that previously made most of them inaudible. Mr. Hamblin attended the Police Commission Meeting of Wednesday, March 8, 1978, and informed the Commission that the transcriber would commence transcribing the tapes in the next few days. We are aware of the time lapse since termination of the hearing. We want to decide this matter within the near future.

Very truly yours,

RJS:kft

S/Richard J. Siggins
PRESIDENT
THE POLICE COMMISSION"

HEARING OF BUILDING AND GROUNDS PATROLMAN VERNON
FOSTER, SOUTHERN POLICE STATION.

The hearing of Building and Grounds Patrolman Vernon Foster, Southern Police Station, was called, it having been set for this date. Building and Grounds Patrolman Vernon Foster was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Reflecting Discredit Upon the Police

Department (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Building and Grounds Patrolman Vernon Foster, appeared in person and was represented by Mr. Gordon Barranco, Attorney at Law.

Commander of Patrol, Agustius B. Bruneman, appeared as the Prosecutor for the Police Department.

The reading of the charges was waived.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Mrs. Susan L. Kuharich

Miss. Linda Cacisian

Sergeant Victor Wode, Southern Police
Station

Lieutenant Kenneth Foss, Southern Police
Station

The following-named witnesses appeared for the Defense, were sworn and testified:

Inspector Prentice E. Sanders
Bureau of Investigations
Homicide Bureau

Building and Grounds Patrolman Ben Brown
Southern Police Station

Building and Grounds Patrolman Vernon
Foster
Southern Police Station

The following exhibits were entered into Evidence by the Prosecution:

Exhibit No. 1 - Two Magazines, #1 "Street
Chopper;" February, 1978.
#2 "Supercycle;" January,
1978.

Exhibit No. 2 - Cassette Tape regarding
complaint against Building
and Grounds Patrolman Vernon
Foster, January 29, 1978.

Commander of Patrol Agustius B. Bruneman
submitted the closing argument on behalf of the Pro-
secution.

Mr. Gordon Barranco, Attorney for the De-
fense, submitted his closing argument on behalf of
Building and Grounds Patrolman Vernon Foster.

The Commission took the matter under sub-
mission after which the following resolution was
adopted:

RESOLUTION NO. 104-78

DECISION- HEARING OF BUILDING AND GROUNDS PATROLMAN
VERNON FOSTER.

WHEREAS, on February 9, 1978, Charles R.
Gain, Chief of Police of the San Francisco Police
Department, made and served charges against Building
and Grounds Patrolman Vernon Foster, Southern Police
Station, as follows:

SPECIFICATION NO. 1

- a) That on or about January 29, 1978, at
approximately 1355 hours, the accused
while on duty and in uniform, had
occasion to be stationed at or near
the entrance to the Hall of Justice;
- b) That on that occasion females entered
the Hall of Justice where the accused
was stationed in order to visit inmates
at City Prison;
- c) That the accused did subject the
above-mentioned females to humilia-
tion and embarrassment by lewd and
suggestive remarks;
- d) That by reason of the above-stated
conduct, the accused has reflected
discredit upon the police department;
- e) That the above-stated conduct vio-
lates Section 2.13 of the Rules and
Procedures of the San Francisco Police
Department which reads as follows:

"2.13 Any breach of the peace, neglect

of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 8, 1978, and that on Wednesday, March 8, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Building and Grounds Patrolman Vernon Foster, Southern Police Station, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Building and Grounds Patrolman Vernon Foster violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Building and Grounds Patrolman Vernon Foster has violated Specification No. 1, Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation Building and Grounds Patrolman Vernon Foster be suspended for two (2) working days without pay; as follows:

From 0900 hours to 1700 hours - Tuesday,
March 7, 1978

From 0900 hours to 1700 hours - Wednesday,
March 8, 1978

and be it further

RESOLVED, that it is the order of the Police Commission that the Police Department direct

the Controller of the City and County of San Francisco to pay to Building and Grounds Patrolman Vernon Foster the salary which was withheld by reason of suspension from Monday, January 30, 1978 to Monday, March 6, 1978.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

Recess taken in the hearing of Building and Grounds Patrolman Vernon Foster:

2100 hours to 2110 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

DISCUSSION RE CITY ATTORNEY'S OPINION ON LOCAL REGULATIONS OF INTERURBAN AND PASSENGER STAGE CORPORATIONS.

Commissioner Siggins: "There were some protest made about the operation of San Francisco Airporter, Inc., and also about Lorrie's Travel, and we made the suggestion a few weeks back that we go to the City Attorney's Office and post some questions, and now that we have the City Attorney's Opinion which has the force of law against a court ruling, we made the decision that it should be to those interested parties and you (Cab Companies) have it now. It is the Opinion of the City Attorney that those Interurban Busses of the San Francisco Airporter, Inc., can pick up and discharge passengers from more than one point within the city. And we don't have the right to regulate that. But we certainly have the right to regulate traffic and some of the other problems that are going to go along with it. It doesn't appear that the Commission will be taking any action against SFO Airporter, Inc., from what we have heard so far and what is within that opinion."

Commissioner Murphy: "It was somewhat summarized in the last paragraph, it says, 'If SFO is daily and regularly providing transportation service between the downtown airline terminal and SFIA and Nob Hill area hotels and SFIA, it may be considered as operating between fixed termini and over a regular route, all of which is within the operational authority granted it as a passenger stage corporation by the Public Utilities Commission.' So what the City Attorney says is that the Public Utilities Commission's Permit regulates their activities and they can do it under theirs. I don't know what your lawyers would say, but it seems to me that they ought to go to the PUC and see what they can do, if anything."

Commissioner Siggins: "Do you have any comments on that Inspector Byrnes?"

Inspector Byrnes, Legal Office: "The only thing I can say is that I feel that this is a valid interpretation of the law as written here. The question was whether there was...they could have more than one stop in the city and according to the City Attorney's Opinion it is not in violation of the permits that were granted by the Commission here and that secondly, it does state that if they have passenger stage corporation authority and they are a passenger stage corporation through the State of California, the Public Utilities Commission, then we do not have the authority to regulate them."

Following are the names of the Representatives of Vehicles for Hire who were granted permission to speak on the matter:

Mr. George Penz, DeSoto Cab Company

Mr. James Steele, Yellow Cab Coop.

Mr. Arthur Lempke, Yellow Cab Coop.

Mr. Joseph Ruiz, Lorrie's Travels

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1960 MASON STREET - GOOD EARTH REALTY

- a) At 1960 Mason Street, install a 22' green zone, to extend from 11' to 33' south of north property line.

1101 STANYAN STREET - PARNASSUS PRODUCE

- a) At 1101 Stanyan Street, revoke existing 25' yellow zone, extending from 3' to 28' south of the north property line.
- b) Install a 25' green zone in its location.

2237 POLK STREET - XENIOS RESTAURANT

- a) At 2237 Polk Street, install a 36' white zone, to extend from 24' to 60' north of Bonita Alley. Sign to be placed on meters #2231 and #2229 "White zone 5 P.M. to 12 P.M.

2235 POLK STREET - THE JUS AND XENIOS RESTAURANT

- a) At 2235 Polk Street, install a 20' yellow zone, to extend from 4' to 24' north of south property line.

400 CARL STREET - GARDENING, MAINTENANCE & OPERATIONS DEPARTMENT

- a) At 400 Carl Street, install a 36' yellow zone, to extend from 178' to 213' east of west property line.

400 CARL STREET - GARDENING, MAINTENANCE & OPERATIONS DEPARTMENT

- a) At 400 Carl Street, install a 32' yellow zone, to extend from 112' to 141' east of west property line.

2049 MARKET STREET - ART SHADE SHOP

- a) At 2049 Market Street, revoke existing 21' yellow zone, extending from 2' to 23' east of west property line.

599 JACKSON STREET - CHINATOWN - YOUTH COUNCIL

- a) At 599 Jackson Street, revoke existing 19' white zone, extending from 3' to 22' east of Kearney Street.

601 STOCKTON STREET - S.F.P.D.

- a) At 601 Stockton Street, revoke existing 21' yellow zone, extending from 6' to 27' north of Pine Street.

709 SCOTT STREET - FOLSOM REST HOME

- a) At 709 Scott Street, revoke existing

18' white zone, extending from 1' to
19' south of north property line.

1401 GREEN STREET - WATERBED EXPERIENCE INC.

- a) At 1401 Green Street, revoke existing
25' yellow zone, extending from 15'
to 40' west of Polk Street.

625-635 BUSH STREET - MATABELLE APTS.

- a) At 625-635 Bush Street, revoke existing
86' Special Truck Loading Zone, extend-
ing from 26' to 112' east of Chelsea
Place.

400 CARL STREET - POLYTECHNIC HIGH

- a) At 400 Carl Street, revoke existing
70' red zone, extending from west
property line to 70' west of same.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

REVOKED

RESOLVED, that the recommendations of
the Traffic Bureau on the revocation of 275 feet
of yellow, white and red zones at the parts of
the City at the locations submitted, be, and the
same are hereby approved.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 106-78

CARLENE N. COLE

RESOLVED, that the recommendation of the
City Attorney for settlement of the claim of Carlene

N. Cole against the City and County of San Francisco in the sum of \$50.00 as the result of damages sustained, be, and the same are hereby approved.

Date of Incident: June 16, 1977 to September 19, 1977

AYES: Commissioners Muprhy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 107-78

JOHN R. FIRPO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John R. Firpo against the City and County of San Francisco in the sum of \$187.52 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: October 24, 1977

AYES: Commissioners Muprhy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 108-78

S.H. MERRIMAN INSURANCE BROKERS, INC., AND VIC RIFFIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of S.H. Merriman Insurance Brokers, Inc., and Vic Riffin against the City and County of San Francisco in the sum of \$93.89 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: June 30, 1975

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 109-78

AIDA E. MIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aida E. Mia against the City and County of San Francisco in the sum of \$76.31 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: October 8, 1977

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 110-78

JOHN JOSEPH JERETINA AND HIS
ATTORNEY MARY R. SWANN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of John J. Jeretina in Contra Costa County Superior Court Action No. 177988 entitled "John J. Jeretina vs. City and County of San Francisco, et al.," in the sum of \$750.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 1, 1977

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 111-78

RUDOLPH R. MERGHART AND
HIS ATTORNEYS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rudolph R. Merghart in the sum of \$2,748.59 against the City and County of San Francisco as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 16, 1975

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 112-78

KATHLEEN PERRY AND HER
ATTORNEYS SAGER & GRASSI

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Kathleen Perry in the sum of \$1,800.00 in Superior Court Action No. 729-826 entitled "Kathleen Perry v. City and County of San Francisco, et al.," as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: October 30, 1976

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 113-78

STEPHEN RAPELLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Rapella against the City and County of San Francisco in the sum of \$5.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1977

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 114-78

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY SERGEANT TIMOTHY J. THORSEN AND POLICE OFFICER JOHN T. MURPHY AT THE SYMPOSIUM ON

ENVIRONMENTAL CRIME PREVENTION PLANNING AT MILLBRAE,
CALIFORNIA, ON JANUARY 31, 1978.

WHEREAS, on the recommendation of the Chief of Police Sergeant Timothy J. Thorsen and Police Officer John T. Murphy, Crime Prevention Education Unit, attended a Symposium on Environmental Crime Prevention Planning at Millbrae, California; and

WHEREAS, Sergeant Timothy J. Thorsen and Police Officer John T. Murphy did travel to Millbrae, California on January 31, 1978, to attend this symposium; therefore be it

RESOLVED, that expenses in the amount of \$25.00 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 115-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same are hereby approved:

Police Officer Marion)		(Narcotics Investiga-
Jackson)	\$514.00	tors Training Course
)	each	(at Sacramento, Calif-
Police Officer Paul)		ornia, from February
Makaveckas)		(6, 1978 to February
		(17, 1978, inclusive.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 116-78

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL
OF TRAVEL EXPENSES INCURRED BY CRIMINOLOGIST SHOJI

HORIKOSHI AT THE CRIMINALISTICS IN RAPE EVIDENCE WORKSHOP AT SANTA ANA, CALIFORNIA, ON FEBRUARY 10, 1978.

WHEREAS, on the recommendation of the Chief of Police, Criminologist Horikoshi attended the Criminalistics in Rape Evidence Workshop at Santa Ana, California; and

WHEREAS, Criminologist Shoji Horikoshi did travel to Santa Ana, California on February 10, 1978, to attend this course; therefore be it

RESOLVED, that expenses in the amount of \$220.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 105-78

AUTHORIZING ATTENDANCE OF CAPTAIN ANDREW M. KRISTENSEN, YOUTH SERVICES DIVISION, AT A JUVENILE OFFICER TRAINING SEMINAR AT SACRAMENTO, CALIFORNIA, ON MARCH 15, 1978 AND MARCH 16, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Captain Andrew M. Kristensen, be detailed to attend a Juvenile Officer Training Seminar at Sacramento, California, on March 15, 1978 and March 16, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Captain Andrew M. Kristensen in a sum not to exceed \$134.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 117-78

AUTHORIZING ATTENDANCE OF POLICE OFFICER THOMAS ARNOLD,

CRIME SPECIFIC TASK FORCE, AT THE CURRENT TRENDS
IN BOMB TECHNOLOGY TRAINING COURSE, AT SAN JOSE,
CALIFORNIA, FROM MARCH 13, 1978 TO MARCH 15, 1978,
INCLUSIVE.

RESOLVED, that the recommendation of the
Chief of Police that Police Officer Thomas Arnold,
Crime Specific Task Force, be detailed to attend
the Current Trends in Bomb Technology Training
Course at San Jose, California, from March 13, 1978
to March 15, 1978, inclusive, be, and the same is
hereby approved; and be it further

RESOLVED, that expenses incurred by
Police Officer Thomas Arnold in a sum not to ex-
ceed \$137.00 will be defrayed by the Police De-
partment's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week		
sick	45	47
Daily average for the week		
disabled	<u>96</u>	<u>106</u>
TOTALS	141	153
Daily percentage for the week sick		2.27
Daily percentage for the week disabled		<u>5.69</u>
TOTAL		7.96
This is a decrease of twelve (12) members off duty daily from the previous week.		
Disabled at the start of the week		106
Started during the week		17
Returned during the week		12
Disabled at the end of the week		111
Net Gain or Loss		+5

SICK AND DISABLED FOR THE WEEK ENDING FEBRUARY 15,

1977 AT 2400 HOURS:

Daily average for the week sick	73
Daily average for the week disabled	<u>84</u>
TOTAL	157
Daily percentage for the week sick	3.61
Daily percentage for the week disabled	<u>5.13</u>
TOTAL	8.74

SICK AND DISABLED FOR THE WEEK ENDING JANUARY 10,
1978 AT 2400 HOURS:

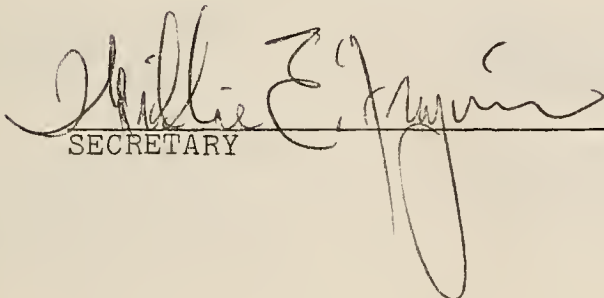
Daily average for the week sick	61
Daily average for the week disabled	<u>100</u>
TOTAL	161
Daily percentage for the week sick	3.23
Daily percentage for the week disabled	<u>6.06</u>
TOTAL	9.29

The report was ordered filed.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

The Commission adjourned its meeting at 2240 hours.



SECRETARY

15 MARCH 1978

Minutes

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, March 15, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

MAY 10 1978

CHIEF'S REPORT TO THE POLICE COMMISSION

DOCUMENTS DEPT.
S.F. POLICE DEPT.

Chief Gain made no report to the Police Commission at this time.

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the right to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFERORS</u>	<u>TRANSFEREES</u>	<u>NO. OF PERMITS</u>
Anne Marie Lazar and William Lazar 11 Encline Ct. San Francisco, Ca.	William Lazar and William J. Lazar 101 Bahama Reef Novato, Ca.	1
James O. Connor 72 Merced San Francisco, Ca.	Robert E. Hill 2699 Laguna Street San Francisco, Ca.	1
Mitchell Parhomenko (Deceased) 1347-25th Avenue San Francisco, Ca.	Dolores Parhomenko 245 Karen Way Tiburon, Ca.	1

Walter Webb
695- 8th Street
San Francisco, Ca.

Rita Hoffschildt 1
674 Church Street
San Francisco, Ca.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

TRANSFER OF TAXICAB PERMIT - CONTINUED ONE WEEK

The taxicab permit transfer from James Tuggle to
Mostafa Tehrani has been continued for one week.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

APPROVAL OF THE ESTABLISHMENT OF A CLASS OF POLICE
SERVICE AIDES, AND A SUPPLEMENTAL APPROPRIATION TO
EQUIP THE NEW CLASS (CONTINUED FROM THE MEETING OF
MARCH 1, 1978)

Commissioner Siggins: "Does the department want to
speak on this?"

Chief Gain: "We just recommend that the Commission
adopt it now."

Commissioner Murphy: "I really have a few differences
about this after hearing the testimony last week. This
says, 'To assist sworn personnel in processing, custody,
control and transportation of arrestees.' I think there
seems to be a lot of danger there that the non-sworn
personnel should not be subjected to. Is that possible?"

Chief Gain: "Well, these are only examples, examples
of duties which they can engage and doesn't necessar-
ily mean that they are going to."

Commissioner Murphy: "No, it doesn't, but suppose some-
thing happened.....providing one is allowed to do it,
but if it isn't in there, then you could preclude it.
What I would want is having them possibly precluded
from performing these particular duties."

Chief Gain: "An essential part of the present Station
Officer duties is assisting the processing of arrested
persons."

Commissioner Murphy: "Processing I don't question, it
is the 'custody, control and transportation,' that is
what I am concerned about. Processing I can understand."

Deputy Chief Mullen: "The present Station Officer class as created when they worked in our jail, Station Officers controlled prisoners. They were in charge of prisoner wings. They did these types of things. The only different thing here is that they could also be used in transportation. The situation as we presently have it is, that we have two officers on a patrol wagon. Sometimes we've had one officer on a patrol wagon because of staffing requirements. So in effect, the extent to which they would be used then would be supplementary to the staffing level that we presently have on our patrol wagons. Whatever they did would be extra, over and above what we sometimes have to do with one police officer."

Chief Gain: "For example, the Police Service Aide can drive the Patrol Wagon. We sometimes have single police officers as pointed out, so we would actually have someone assisting that police officer like perhaps driving the wagon. We think that would be of good assistance."

Commissioner Toler: "Would they have the same protection as a sworn officer?"

Chief Gain: "No."

Commissioner Toler: "Will they assist in case the persons happened to (inaudible) will they assist?"

Chief Gain: "Well as we discussed last week, we would not want the Police Service Aides because they do not have the same coverage, to engage in those activities that should be confined to police officers because of the greater coverage that they have."

Commissioner Toler: "Then they would stand by and watch?"

Chief Gain: "Beg pardon?"

Commissioner Toler: "They would stand by and watch that activity?"

Chief Gain: "Sure, we have that situation now as was pointed out last week with our Parking Control personnel. We literally have hundreds on the street. And at times they will encounter officers in difficulty and they radio in for assistance, things of that nature. They cannot become involved in physical encounter and do not as far as I know."

Commissioner Murphy: "Yes, that's a little bit different, because they have the street to retire to, but if they are in trouble out there and get a couple of bad actors or several bad actors, I don't know, it seems to me they are being put into a lot of jeopardy. These people are in jeopardy. Well, let me ask you one other thing, it would not negate the whole concept of this at all if that were left out, at least temporarily....."

Chief Gain: "May I suggest this, to leave it in and any time the Commission so desires they could, by a policy statement, preclude us from doing that."

Commissioner Murphy: "How will the Police Service Aides know when to do it?"

Chief Gain: "We will tell them."

Commissioner Ciani: "Can't you just make, as a matter of policy, a statement that you would not expose these people to inordinate danger in assigning these duties?"

Chief Gain: "That's what we said last week, that we will not suffer them to become engaged in activities where they would incur that type of physical hazard that our regular peace officers do."

Commissioner Ciani: "But that's an overriding statement policy then. That would apply to all of these examples and to any other activities that you don't"

Commissioner Murphy: "Yes, it will, but last week we also had testimony from the Aides themselves where they specifically addressed this particular issue and it was, I thought real fear expressed. It wasn't entirely ameliorated by the promise, I know we wouldn't intend them to, but sometimes things get fouled up in the heat of an altercation."

Chief Gain: "Let me suggest that there are incidents that occur as we know where private citizens come to the aid of a police officer. They have no coverage. So if we did have a situation where even though we mandated this order that the Police Service Aides not come to the aid of an officer just as with citizens, they are doing it and very frequently, so it could happen, but it wouldn't be by policy and it wouldn't be by encouraging them. If we had such an incident then we would critique any one and inform them not to engage in that type of activity. I would just suggest now that I would still like to see the examples left broad. We have already given assurance to you."

We have given assurance to them that we don't want them to engage in hazardous activity.. If later on the Commission wants to, by way of a policy statement, to direct us not to have them engaged in transportation on the wagon that could be done at any time."

Commissioner Siggins: "Well we could probably, they are not going to maybe handle pursesnatchers, we are looking maybe for somebody for the transportation of prisoners and the routine non-critical task that would not need the services of a sworn police officer and that is what we discussed as being the problem."

Chief Gain: "We do not have plans to have Police Service Aides solely in charge of the wagons. Solely in charge. We do not have plans for that."

Commissioner Murphy: "They would always be in company with sworn personnel?"

Chief Gain: "Yes, as Chief Mullen points out, he says they have the same coverage as deputy sheriffs."

Deputy Chief Mullen: "Yes, miscellaneous employees..."

Commissioner Siggins: "There use to be a classification of Patrol Wagon Driver."

Deputy Chief Mullen: "Teamsters. They were off the Teamsters list."

Commissioner Murphy: "Oh, they received good coverage though."

Deputy Chief Mullen: "They were City Teamsters, I can't state whether or not they were on our retirement system. I suspect they weren't, maybe they were but we had them for many years, Patrol Wagon Drivers."

Commissioner Murphy: "How did they do?"

Deputy Chief Mullen: "They drove. Then we had open wagons. The officer was on the back and the Patrol Officer drove."

Commissioner Siggins: "We are looking now for cost savings, aren't we?"

Chief Gain: "Cost savings plus making police officers more available for more important tasks."

Commissioner Murphy: "I agree with you and I think that's important. I do think though that you don't save a lot of cost if you get into a bunch of accidents and get sued and a few other things like that. But I would follow it very closely, the more dangerous things. I think it is one thing to maintain custody of a person already in jail who has been booked and possibly handcuffed and everything else than it is out on the street, trying to get him into a Paddy Wagon."

Commissioner Toler: "Chief, it was my understanding too that the Police Service Aide can refuse an assignment, can't he?"

Chief Gain: "Well, Station Officers can refuse to become Police Service Aides. Some 33 have stated that they will exercise what is called Status Rights and transfer into the Police Service Aide classification. We have more than 33 so some of them have already indicated they do not want the job. Once in the position of course, then they would have to undertake whatever activities are called for within the scope of their job., once they become Police Service Aides, and obviously they know what the content of the job is and that would be from last week, where as a result of that meeting, they published a question and answer document and circulated it throughout the police department. So all Police Service Aides are very knowledgeable of that. But we discussed the contents....."

Commissioner Murphy: "What were the results of that question?"

Chief Gain: "It was a document just containing, as you recall, where they asked questions and we responded and they circulated that throughout the Department to Station Officers."

Commissioner Murphy: "Oh I see. Do you think your supervision is precise enough? I don't mean your personnel supervision, but the supervision of whoever has the supervision of these people that these guidelines will always be followed?"

Chief Gain: "I have no qualms about it, I have no qualms whatever with this now, none. If we had any doubts about it we wouldn't have suggested it. I have no problems with any part of it."

Commissioner Ciani: "I would like to....."

Commissioner Sanchez: "Go ahead."

Commissioner Ciani: "I was going to make a motion to approve it."

Commissioner Sanchez: "Okay, but it is going to ignore all of the distinguishing features pertaining to weapons. I assume these are isolated situations and those who would be requested to do so would certainly have completed training, or whatever, as far as the utilization of weapons. And at that point they are requested to do so, it wouldn't be part of the day to day operation, correct?"

Chief Gain: "Absolutely not. They would not initially be issued weapons nor would they carry them. Again we wanted a broad classification and one thought we had in mind where potentially we might be training them in the use of weapons and then carry them, would be in security jobs. We could assign them for example, if the need arises, to guard Supervisors' homes, or other Public Officials. As you may know, for months and months we had full time police officers doing it. Now if we had them doing it we might want to arm them. But right now we don't anticipate that occurring again we want to leave it broad enough so that if in the future a case arose, it would take study, proper training and of course, the Police Commission would be informed about that if we ever anticipated doing it."

Commissioner Siggins: "Don't we see coming out of the Hall of Justice, Patrol Wagons with one officer on it?"

Chief Gain: "It's very common."

Commissioner Siggins: "Yes, and here we are talking about just an extra man riding."

Chief Gain: "Right."

Commissioner Ciani: "I move for approval."

Commissioner Siggins: "Motion by Commissioner Ciani for approval, any second?"

Commissioner Toler: "I second."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

Commissioner Siggins: "I think the record should show that this proposal was sent to us on December

5, 1977 and shortly thereafter, both the San Francisco Police Officers' Association and Local 400, a Civil Service Employees Association, asked to Meet and Confer and we did Meet and Confer with both organizations, that the San Francisco Police Officers' Association presented to us a letter criticizing the plan and it was actually called a position paper and that their arguments in opposition to creation of this class of Police Service Aides was considered by the Department and answered in a detailed letter presented to us on January 8, 1978. So we did have Meet and Confer sessions with both organizations prior to adopting this plan. The plan itself includes a request for a Supplemental Appropriation of \$96,150.00. Thank you, Chief."

RESOLUTION NO. 137-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of \$96,150.00 as follows:

Appropriation No. 7.161.110.001.000	
Permanent Salaries-Civilian	\$87,570.00
Any legally available funds	\$ 8,580.00
	<hr/>
	\$96,150.00

and credit it to the following appropriations in the amounts indicated:

Appropriation No. 7.161.110.001.000	
Permanent Salaries-Civilian	\$87,570.00
Appropriation No. 7.161.300.000.000	
Materials and Supplies	\$ 8,580.00

to establish thirty-three (33) positions in a new classification effective May 1, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION DIRECTING A LETTER TO THE CIVIL SERVICE COMMISSION IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE OFFICE OF CIVIL RIGHTS COMPLIANCE-LEAA, AND THE SAN FRANCISCO POLICE DEPARTMENT AS AUTHORIZED BY POLICE COMMISSION RESOLUTION NO. 651-77

Chief Gain: "What that amounts to, if the Commission will recall, some time ago the Commission approved and we sent to LEAA a compliance agreement and as a part of that document the Commission committed itself to

inform the Civil Service Commission of certain matters and we just not have transmitted the Commission's expression to Civil Service. So the only thing this letter does then is transmit to the Civil Service Commission that which the Commission committed itself to do in December."

Commissioner Siggins: "Which is a resolution of the Police Commission to submit the letter pursuant to paragraph 8 of an agreement that we have already entered into, is that correct?"

Chief Gain: "Yes. We have already entered into it."

Commissioner Siggins: "The Office of Civil Rights Compliance of the Department....."

Chief Gain: "The last page of the document you have I think, contains the actual suggested letter that we are asking to adopt."

Commissioner Murphy: "I move for the adoption."

Commissioner Ciani: "Second."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 136-78

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION DIRECTING A LETTER TO THE CIVIL SERVICE COMMISSION IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE OFFICE OF CIVIL RIGHTS COMPLIANCE-LEAA, AND THE SAN FRANCISCO POLICE DEPARTMENT AS AUTHORIZED BY POLICE COMMISSION RESOLUTION NO. 651-77 -
APPROVED.

RESOLVED, that the Police Commission of the City and County of San Francisco does hereby direct a letter pursuant to Paragraph 8 of an agreement, authorized by Commission Resolution No. 651-77 between the Office of Civil Rights Compliance and the Department, be transmitted to the Civil Service Commission.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

REQUEST OF MR. JESUS V. LOSA, JR., TO EXTEND HIS
JITNEY BUS OPERATION FROM MISSION STREET TO THIRD
STREET DURING THE PEAK HOURS.

Mr. Losa appeared in person with his attorney Mr. Jeremiah O'Shea.

Chief Mullen stated that originally it was believed by the Department's Legal Office that a change of routes would be necessary to permit Mr. Losa to do as he requested. However, Chief Mullen stated that since both routes existed and there was not a geographical change involved but merely a change in time, it appears that it is not necessary for the Police Commission to take any action on this matter. He further stated that Legal could not show that there was any prohibition against Mr. Losa conducting his services in this manner.

Commissioner Siggins then stated that the Commission would suggest that he be allowed to go ahead and conduct his operation as per his request.

RESOLUTION NO. 129-78

HEARING OF POLICE OFFICER MICHAEL MORRIS, PARK
POLICE STATION

WHEREAS, the hearing of Police Officer Michael Morris, Park Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Police Officer Michael Morris, that his hearing before the Police Commission be continued to Wednesday, April 5, 1978; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael Morris, is set for Wednesday, April 5, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 130-78

HEARING OF STATION OFFICER JERRY L. CLARK, SOUTHEAST
POLICE STATION.

WHEREAS, the hearing of Station Officer

Jerry L. Clark, Southeast Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Station Officer Jerry L. Clark that his hearing before the Police Commission be continued to Wednesday, April 12, 1978; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Station Officer Jerry L. Clark, Southeast Police Station, is set for Wednesday, April 12, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION ADOPTING PROPOSED DEPARTMENT RECOMMENDATION THAT CIVIL SERVICE RULE 19 (LIMITED TENURE APPOINTMENTS) NOW IN THE PROCESS OF BEING REVISED, BE FURTHER REVISED BY ADDITION OF SUBSECTION 5 TO SECTION 19.04A.

Chief Gain: "Mr. President, members of the Commission, we have given you a letter just today, regarding Limited Tenure Appointments. I don't know if you have had a chance to peruse it, or read it at all or not. If you have it in front of you, with your pleasure I will have Deputy Chief Mullen review it with you and his actions call for or making a recommendation for a resolution."

Deputy Chief Mullen: "First of all, I apologize for the lateness of the letter. The reason for the lateness is the fact that we base that action that was taken at the Civil Service Commission Committee Meeting on Monday, so we, therefore, couldn't get it on the regular calendar and it requires a resolution and a response by next Monday's meeting of the Charter Rules Revision Committee of the Civil Service Commission. Early on in December we received a proposed amendment to Civil Service Rule 19 which pertains to Limited Tenure Appointments from the General Manager of Civil Service. We reviewed that new Limited Tenure Appointment rule and in accordance with the letter from Mr. Walsh, the General Manager, we met with his staff and we recommended or worked out with them an amended phrase or clause by which people could become, or receive Limited Tenure Appointments through promotional ranks on the basis that none of the provisions, as included in the Civil Service recommendations at that time, would allow any possibility of minorities being appointed temporarily in the absence of a list to either Lieutenant or Captain. It just didn't allow it.

We worked out the wording with the Civil Service Staff, we presented it to the Police Commission, the Police Commission passed that wording and forwarded it to the Civil Service Commission who referred it to their Charter and Rules Revision Committee who dealt with it this Monday. At the Hearing Monday, I attended as a representative of the Department and at this point maybe I will just read from the letter, because what in effect happened, is that the Chairman of the Charter and Rules Revision Committee asked that some specific question be addressed to this Commission so that a response could be given at the next Commission Meeting of the Civil Service Commission and raise the point in reference to a possible interpretation of the resolution as recommended or as passed by this Commission so I will read the letter:

'Deputy Chief Mullen was in the process of explaining how, based on a previous request of the Police Department, the Civil Service Commission had amended Rule 19 to allow persons who had been appointed to non-Civil Service positions from informational rosters to be continued as limited tenure appointments when the 130 working days allowed under Charter Section 8.332 had expired.'

That is, it just says that before when we ran into this kind of problem in reference to the Assistant Inspectors and Sergeants, it went to the Civil Service Commission asked that they do, that they allow us to continue those people as limited tenure appointments so as not to cause a great deal of disruption in the department by training the various people through the ranks. I further said that rosters now exist in the ranks of Sergeant and Assistant Inspector but there is no means to make temporary appointments beyond 130 days to the ranks of Lieutenant and Captain, other than by seniority. Commissioner Soloman then stated do I understand that the Commission would not have asked for option 5 had it not been for a single fact, to wit, that there is no informational roster for Lieutenant and Captain, true or false? Option 5 is your resolution as passed previously not knowing or wishing to speculate about what the Commission would or would not have done given a set of facts of what was before me, I said I did not know what the Commission would have done and then Commissioner Soloman said there would be a later meeting of the Civil Service Commission next Monday and he asked me to ask this question of the Commission, which I will do. For a list of all other reasons which motivated the Commission to ask for option 5. Later in the discussion I proffered the reasons that I knew to be the reasons of this department when I had an opportunity to speak. I said I don't know if that is an adequate response to the Commission but if that would provide the Department to promote the appropriate

person in specialized positions, based on a demonstration if the persons had the requisite skills to fill the job, that would avoid training numerous persons through the promotional positions every 130 days in case litigation was extended as contended to or as was about to occur during that Assistant Inspector issue, that it would provide a vehicle for exercising affirmative action. I gave him the answer, I don't know whether that's your answer, I think it is. Then in later comments Commissioner Soloman asked me why don't you find out from the Chief and the Commission to the answer to this question. 'Would they support the elimination of the Civil Service System altogether with regard to the Police Department?' In other words, why go half way, why don't they eliminate all of these problems and give the Chief Limited Tenure Appointments for every single person or rank in the police department. Find out if that's what they really like and if not, why not?"

Commissioner Siggins: "That's not what we addressed ourselves to the point where there was no.... just a list."

Deputy Chief Mullen: "That's correct. As I stated earlier that the draft resolution which we... the department recommended you to pass was drawn up between our staff and Civil Service Staff and written right down there, it then at this Committee meeting was the first inkling that any of us had any information from Civil Service that it may be defective in any way, they chose to interpret it in such a way or allow the interpretation that people could be leap-frogged, as it were, from rank to rank in the Department to the wording in our resolution so they asked if that was your intention to do that, I answered no that was not your intention, and beyond that I spoke later with their staff and devised wording which will absolutely prohibit that type of interpretation being drawn in case somebody should choose to. I personally, did not see it in the earlier wording, but in case it did exist, I talked to the Secretary of their Commission and read the wording to him on the phone and he says that will do it, so we further recommend that you adopt the resolution as re-written by both the Civil Service Staff and the Police Department Staff or re-drafted by the Civil Service Staff and the Police Department Staff so that it may be re-submitted to the Civil Service Commission."

Commissioner Siggins: "Chief, isn't this something that we should be meeting and conferring on? We did discuss this with the POA, didn't we?"

Deputy Chief Mullen: "Yes, we did discuss it, as I recall, at Meet and Confer Session. The extent of it was that they were going to meet independently with Civil Service Commission Staff. I do

not know that there was a substantive Meet and Confer with the....this does not change at all the intended meaning of your pervious resolution, it just adds a few words that will eliminate any possibility of confusion about it."

Commissioner Murphy: "Then please read the proposed change."

Chief Gain: "If a Sergeant is appointed as a Temporary Lieutenant under the non-civil service provisions, then he could be appointed a Limited Tenure position as a Lieutenant."

Commissioner Murphy: "But he couldn't be appointed a Captain, for example."

Chief Gain: "No, not under this wording as it is revised."

Commissioner Murphy: "That is what I wanted to...."

Chief Gain: "He could go from a non-civil service Lieutenant to a Limited Tenure Lieutenant, he couldn't go to Captain."

Commissioner Murphy: "And he couldn't go up any higher, I see. Well, does that say this? I don't"

Chief Gain: "Yes."

Commissioner Murphy: "It says for the uniform ranks of the police department from among the employees in the department....."

Chief Gain: "And in the next lower rank who have completed non-civil service appointments in the rank to which they are to be appointed Limited Tenure. It may be awkwardly worded but that is what it states, in other words, if it is a Sergeant again who is appointed as a non-civil service Lieutenant which will only last 130 days that's completed and after that's completed that same Sergeant could be appointed under Limited Tenure provisions as a Lieutenant."

Commissioner Murphy: "Yes, I understand now what you want to do, but maybe because it is out of context it doesn't read very well."

Deputy Chief Mullen: "Well if I may, I, too, am

forced in preparing the Staff Work to depend on Civil Service Staff as to appropriate language in this to present to you and I have that assurance that from Civil Service Staff that this does say what we want to say. I had that assurance also through our Legal Office and Civil Service and it said so the last time. You might totally obviate any possibility of mis-interpretation by...., it just occurred to me right now, or it would of been in here, by just adding some language that says that it is the positive intention of this Commission that no person shall be elevated more than one rank in the Police Department. If there remains any question in anybody's mind that there is a problem in the language you can add that."

Chief Gain: "You are an attorney Mr. President, did you have difficulty with it, I think an attorney put this together."

Commissioner Siggins: "I didn't contemplate that when we first went through it and I don't see it there now. But....."

Chief Gain: "Chief Mullen said they chose to interpret it that way at the meeting. I do believe though that referring back to your comment on the necessity to Meet and Confer then, we might be in a position where we should Meet and Confer, if we've changed language. We did have a Meet and Confer session, as you recall, with the POA, they rejected what we wanted to do."

Commissioner Siggins: "Right, they criticized the Affirmative Action that's what....."

Commissioner Toler: "It says what they want it to but do we want the thing it says?"

Commissioner Murphy: "Now I am not the only one that's dumb right here. I don't think it says anything. It doesn't have a subject, it doesn't have a predicate....."

Commissioner Siggins: "You would have to go back...."

Chief Gain: "You would have to look at it within the context....."

Commissioner Murphy: "Well, that is what I asked is that maybe when it is in context, it will mean something to it."

Deputy Chief Mullen: "Page 4, we've got appendices to appendices here so perhaps I can... cause this file has grown by name."

(Pause as Commissioners conferred)

Commissioner Murphy: "Oh, it's number 5?"

Chief Gain: "Yes, number 5."

Commissioner Murphy: "Alright. 'The method and procedures which may be used to make non-limited tenure appointments are as follows, from:' and then turn back here.....(Conference with Commissioners) with limited tenure they do have the benefits, isn't that right? This is what the POA is so upset about."

Commissioner Siggins: "Yes."

Chief Gain: "The POA wants to go extremely by seniority. I do feel, as a matter of fact, Mr. President, that the Commission shouldn't act upon this, it would, in my opinion, violate the Meet and Confer Process because we changed the wording."

Commissioner Siggins: "Yes, we changed the wording, but I think there is a response to go back to the Civil Service Commission telling them that we believe in the Civil Service System and secondly, that we did not contemplate a jumping of ranks."

Chief Gain: "Right."

Commissioner Murphy: "Right, absolutely."

Commissioner Siggins: "Then we take no action on it."

Chief Gain: "No action."

Added item by Deputy Chief Mullen in request for a report of Sick Leave and Disability.

Chief Gain: "That was on sick leave and disability, but we will defer that to next week for particularly the Commissioner who asked for it. It resulted in a great deal of work, and she is not here tonight."
(Then to Deputy Chief Mullen,) What does it say?"

Deputy Chief Mullen (interpreting blow-up graph of Sick and Disability leave): "O'K, well we were going up but now we are heading back down. These are percentages of the total Department one through 15. You can see that in January of '75 the total number of people, sick and disability leave was just over 7%, it went down somewhat in July, and up to a high in late '76 of over 11% total people sick and disabled. Since that time it has been going upward and downward, most recently it has come down to a total of about 8% from there."

Commissioner Murphy: "It has really been going down."

Deputy Chief Mullen: "The trend since mid-76 has been downward. Disability is just about where... no, it's one percentage higher than it was two years ago. It's the sort of thing that does go up and down. The most recent trend is downward, which is not to say that it won't go up again, but it doesn't deviate too much off of there."

Commissioner Murphy: "Yes, I agree."

Commissioner Siggins: "The percentage this week just presented to us was 8.70 so then it goes up a little bit, doesn't it?"

Deputy Chief Mullen: "Yes, so then there would be a new trend line after three. The Statisticians tell me this is right up here. It takes three weeks to....the Statisticians tell me you can establish a trend line and even though it was going down in these weeks, we had to continue the trend line afterwards."

Commissioner Siggins: "Oh, I got you."

Deputy Chief Mullen: "So we put it off a week and gave you a down."

Commissioner Siggins: "The stock market would call it resistance."

Commissioner Murphy: "Why don't you leave it for Judy the next time?"

Chief Gain: "We will give her an explanation of it before the next meeting."

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1634 IRVING STREET - PT. MORITZ DELI & HILLIGAN'S ISLAND

- a) At 1634 Irving Street, install a 22' green zone, to extend from east property line to 22' west of same.

4216 CALIFORNIA STREET - HENRY H. HOM. D.D.S.

- a) At 4216 California Street, install a 22' green zone, to extend from east property line to 22' west of same.

1259 MASON STREET - WAH TONG IMPORTS

- a) At 1259 Mason Street, install a 22' yellow zone, to extend from south property line to 22' north of same.

3064 - 24TH STREET - LATIN AMERICAN IMPORT #2

- a) At 3064 - 24th Street, install a 22' yellow zone, to extend from west property line 22' east of same.

465 GREEN STREET - S. BAGGE CONT.

- a) At 465 Green Street, revoke existing 27' yellow zone, extending from west property line to 27' east of same.

400 CARL STREET - POLYTECHNIC HIGH SCHOOL

- a) At 400 Carl Street, revoke existing 54' yellow zone, extending from 112' to 166' west of east property line.

4124 GEARY BOULEVARD - LOCAL SCOOP

- a) At 4124 Geary Boulevard, revoke existing 25' white zone, extending from west property line to 25' east of same.

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4112 GEARY BOULEVARD - LITTLE FIESTA

- a) At 4112 Geary Boulevard, revoke existing 22' yellow zone, extending from 2' to 24' east of west property line.

1610 STOCKTON STREET - WILLIAM J. RAFFANO & SONS

- a) At 1610 Stockton Street, revoke existing 27' yellow zone, extending from 45' to 72' north of Union Street.

1344-1352 STOCKTON STREET - STOCKTON MEAT CO. & WALGREEN DRUG STORE

- a) At 1344-1352 Stockton Street, revoke existing 50' yellow zone.
- b) At 1344-1352 Stockton Street, install a 50' Special Truck Loading Zone, from 44' to 94' south of Vallejo Street.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 208 feet of white and yellow zones, at the parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 122-78

MARSHA GURR

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 342-120 in the sum of \$23.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 3, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 123-78

RUBEN GRUNDY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruben Grundy against the City and County of San Francisco in the sum of \$148.10 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: December 22, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 124-78

JERRY E. HIDALGO

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 341-462 in the sum of \$28.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 7, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 125-78

ANTONIO VILLAREAL

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 340-100 in the sum of \$102.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 5, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 120-73

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he

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is hereby requested to draw a Supplemental Appropriation in the amount of \$72,264.00 as follows:

Appropriation No. 7.161.110.001.000
Permanent Salaries \$72,264

and credit it to the following appropriation in the amount indicated:

Appropriation No. 7.161.384.000.000
Civilian Uniforms \$72,264

to provide uniform allowances for civilians required to wear same.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 126-78

AUTHORIZING ATTENDANCE OF LIEUTENANT WILLIAM E. KOENIG AND POLICE OFFICER ALAN BENNER, FIELD TRAINING PROGRAM AT A FIELD TRAINING SEMINAR AT QUANTICO, VIRGINIA, FROM MARCH 27, 1978 TO MARCH 31, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant William E. Koenig and Police Officer Alan Benner, Field Training Program be detailed to attend a Field Training Seminar at Quantico, Virginia, from March 27, 1978 to March 31, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by Lieutenant William E. Koenig and Police Officer Alan Benner, will be defrayed by the Federal Bureau of Investigations.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 127-78

AUTHORIZING ATTENDANCE OF INSPECTOR JOHN B. MCKAY, INTELLIGENCE UNIT, AT THE LABOR RELATIONS SEMINAR AT SACRAMENTO, CALIFORNIA, FROM MARCH 29, 1978 TO MARCH 31, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector John B. McKay, Intelligence Unit, be detailed to attend the Labor

Relations Seminar at Sacramento, California, from March 29, 1978 to March 31, 1978, inclusive, be, and the same is hereby approved; and be it further .

RESOLVED, that expenses incurred by Inspector McKay in a sum not to exceed \$155.00 in attending this seminar, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 128-78

AUTHORIZING ATTENDANCE OF INSPECTOR HAROLD M. SUSLOW, PAWNSHOP SECTION, AT THE CALIFORNIA METAL INVESTIGATORS' CONFERENCE AT FRESNO, CALIFORNIA, FROM MARCH 16, 1978 TO MARCH 17, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector Harold M. Suslow, Pawnshop Section, be detailed to attend the California Metal Investigators' Conference at Fresno, California, from March 16, 1978 to March 17, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector Harold M. Suslow in a sum not to exceed \$58.00 in attending this conference, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week		
sick	101	136
Daily average for the week		
disabled	<u>57</u>	<u>101</u>
TOTALS	158	137

This is a decrease of thirty-nine (39) members off duty daily from the previous week.

Daily percentage for the week sick	3.38
Daily percentage for the week disabled	<u>5.63</u>
TOTAL	9.01

Disabled at the start of the week	96
Started during the week	14
Returned during the week	21
Disabled at the end of the week	89
Net Gain or Loss	-7

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY,
FEBRUARY 22, 1977 AT 2400 HOURS:

Daily average for the week sick	70
Daily average for the week disabled	<u>50</u>
TOTAL	120

Daily percentage for the week sick	3.84
Daily percentage for the week disabled	<u>4.91</u>
TOTAL	8.75

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY,
JANUARY 11, 1978 TO JANUARY 17, 1978 AT 2400 HOURS:

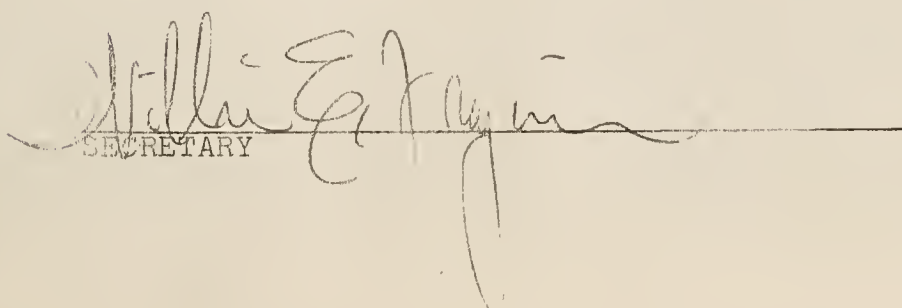
Daily average for the week sick	63
Daily average for the week disabled	<u>104</u>
TOTAL	167

Daily percentage for the week sick	3.34
Daily percentage for the week disabled	<u>6.30</u>
TOTAL	9.64

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

The Commission then adjourned its meeting
at 1933 hours.


SECRETARY

22 MARCH 1978

REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, March 22, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Toler, Siggins

ABSENT: Commissioner Sanchez

MAY 10 1978

Commissioner Siggins presiding.

DOCUMENTS DEPT.
SAN FRANCISCO LIBRARY

The members of the Commission and the Chief having received and returned amended copies of the minutes of the meeting of February 1, 1978, reading of the minutes was dispensed with and the minutes were approved as amended.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, two items: one, we have submitted to you today an analysis of the crime of forcible rape for the month of February, and then for the year to date, that is January, February this year compared to last year. It's an extensive report that also contains suggestions for written prevention. With your permission we would like to submit this to you tonight and then next week, at your pleasure, to discuss it in some detail because of the length of it.

The other item is the San Francisco Police Officers' Association, in a letter dated March 17, 1978, to the Commission, requests a Meet and Confer session regarding the proposed elimination of the Dog Unit Personnel from the Crime Specific Task Force. As a matter of fact, it is not being proposed, nor is action taking place to eliminate, as they state, the Dog Unit Personnel. What the Staff has done is made an evaluation as to the need for 10 officers with dogs. And we made the judgment based upon documented experience, that the unit should be reduced by 5 officers. So, for an experimental period of 3 months, our plan is to reduce the unit by 5 officers. The officers will retain the dogs at their homes and the City will still pay the 75 dollars a month for feeding and care and during that period those five officers would be sent to the district stations where we so dramatically need police personnel to respond to citizens request for service. If, during that

3 month period, it can be documented that we should put one or more of those five officers back, that can be done. The point is, it is based upon our on-going evaluation of where personnel should be within the police department. One reason why there is a need to transfer five officers into general district station patrol is that we recently appointed 5 Assistant Inspectors which removed 5 Police Officers from patrol, we are contemplating asking the Commission for approval in the near future to appoint 19 temporary Sergeants and also start an Evidence Technician Program which will entail taking another approximately 9 police officers from patrol. So, as a matter of fact, then, we need police officers in our district stations to respond to called for services. And when we have a situation where, based upon experience, the study was made at the direction of Deputy Chief Taylor, our Dog Unit function simply is not resulting in the service that it should to maintain that number so we want to go through that type of experimentation. So I would state and recommend to the Commission that the appropriate response to the POA would be that we are not eliminating that unit, there is no need, therefore, for a Meet and Confer, and in addition to that, I do not think that adding or decreasing a particular function is within the Meet and Confer process, that is within the purview of the department. But at this point it would be a direct response that we are not eliminating and, therefore, they are laboring under some misunderstanding as to what our intentions are."

Commissioner Siggins: "That was my feeling on that so we can tell them that, but they also asked for a Meet and Confer on Physical Fitness Standards."

Chief Gain: "Of course, it would be appropriate to Meet and Confer on that subject. We have submitted to the Commission a proposed General Order for adoption and they appropriately asked for a Meet and Confer session on that. So it would be up to the Secretary, at your direction, to confer with them as to which convenient date to Meet and Confer."

Commissioner Siggins: "Right. We should ask them what they were going to talk about, first of all, are they for it or in the original program is it somewhat comprehensive?"

Commissioner Murphy: "May I also ask, not in connection with the Meet and Confer process, but specifically what kinds of things you found that means the Dog Unit Program doesn't have to be as large as it is. I understand that this is just reducing it but what evidence do you have to support the reduction?"

Chief Gain: "Sure, if you would like to take the time now, Deputy Chief Taylor is here and will address that, however if you....."

Commissioner Murphy: "Yes, I would like very much for him to do that."

Deputy Chief Taylor: "During the month of December the Police Planning and Research Bureau, along with the Patrol Bureau, made a study of the activity of every officer in the Patrol Bureau Force. That is in the Traffic Bureau, the men in the Crime Specific Task Force, and then each of the District Stations. This material, as I say, was gathered for each and every individual officer. Using that material we compared 10 average officers or 9 average officers throughout the patrol force with 9 of the Dog Unit officers. We compared, first of all, the amount of days that they were working, the reports that were made by these officers, as indicative of the fact that they had responded to and taken reports for service or for crime. The number of arrest that had been made by each of them. The misdemeanor citations that had been issued. That includes misdemeanor arrests type of citations and other or traffic citations issued. We compared them carefully and we found that in the overall, the members of the Dog Unit did 42% less work than the members of the uniform force, and particularly the district stations. And as a consequence, I made the observation and the recommendation to the Chief that there was no apparent benefit for them having the Dog Unit, whereas, if we put them into the District Stations we would increase the amount of work that is being done and the citations issued arrest being made and reports being made. As I say, in a close comparison, what it comes out to is 42% less performance."

Commissioner Murphy: "What do the Dog Officers that are left...what kinds of things are they uniquely qualified or have to do as compared to the other officers?"

Deputy Chief Taylor: "Search, the basis is search, in other words large warehouses or say the Emporium get an alarm and our officers respond over there and they find a window broken and some witness says someone went into the building. Obviously, it would be tremendously difficult to search the whole Emporium Building, it would take a tremendous amount of manpower, so we call for the Dog Unit on duty and send him in and the officer will then direct his dog to go in and the dog is able to run through the building and cover a floor for search much more rapidly than policemen and of course much more efficient."

Commissioner Murphy: "You can only send one man and one dog in then?"

Deputy Chief Taylor: "Normally there would be two Dog Units on occasions as I say, depending on...I have had occasion to be down in the warehouse district where we have brought in as high as four dogs to expedite the search. The dogs were on duty, it's just, of course, done more rapidly. But it is much speedier."

Commissioner Murphy: "What would be a disadvantage of having those five that you are going to send back to the stations, just keep their dogs on duty with them?"

Deputy Chief Taylor: "The equipment, most officers and I am familiar with this problem myself, of course, don't want to ride in that car because it had a dog in it because it becomes quite a mess rapidly, in fact, the cars that we use for the Dog Patrol are Station Wagons in order to obviate this. On past occasions when we didn't have the Station Wagon we would take one of the older cars and take the back seats out of them because they have a tendency to chew up all of the upholstery and otherwise dirty it and it makes quite a mess. Nowadays, of course, we are frequently using the back seat of our sedans for the transportation of prisoners of one sort or another. So the problem would be you would run into the ruining of the equipment by the dog."

Commissioner Murphy: "Thank you very much."

Deputy Chief Taylor: "We don't at this time, have sufficient personnel at night to particularly be walking foot beats, otherwise I am sure you would suggest that there is a possibility of the officer working on foot with the dog, but we are now devoting almost all of our efforts in the radio cars for the response to call for services and don't have the ability to still keep the footmen in that."

Commissioner Toler: "There is a total of 5 officers now involved in this program."

Deputy Chief Taylor: "The count was originally 10, but I found out, which will be news to the Chief, that one of them is a Sergeant who has been handling the dog without the additional pay, so that I propose to put to the Chief the fact that we could reduce the unit by four and we would have 5 people left in it who were actually dog men dedicated, or, we can reduce the unit by 5 men, which is what I have recommended at the start, and we will be down to 4 men with a Sergeant who is boss of the unit. As I say, I will give this information to the Chief for his consideration."

Chief Gain: "I might mention, Commissioners, that the Peace Officers Standards and Training, who surveyed the Department and addressed this matter, recommended reducing that detail. We do have an inordinate number of dogs. The city of Los Angeles for example, with 400 square miles and 6,000 police personnel has about 5 dogs. Those dogs are used principally either for specific searches and probably in the main for sniffing out narcotics for which dogs are very effective. So that is a part of our evaluation."

Commissioner Ciani: "Are dogs used for narcotics, are they trained for that?"

Deputy Chief Taylor: "The one that we had has become decrepit and is no longer available for sniffing out narcotics."

Commissioner Murphy: "Could they be trained, could a lot of our dogs be trained to do that?"

Deputy Chief Taylor: "Some can, that seems to be an ability that they can develop in certain dogs and some dogs they can't."

Commissioner Ciani: "Do you have a need for that?"

Chief Gain: "Oh yes. There are some parts of San Francisco where the dog with the ability to sniff out narcotics would go crazy on the streets."

Commissioner Toler: "Is there a time before these officers or re-assignments become effective?"

Deputy Chief Taylor: "I have asked for the Commander of the Unit to give the names, 5 names by April 1, at which time I will present them to the Chief for his consideration and a recommendation for re-assignment. But the date for the return to me of the 5 names for the Dog Unit plus the 5 names from the other part of the Crime Specific Task Force is April 1."

Commissioner Murphy: "And it is a three month experiment as I understand it."

Chief Gain: "Again, the bottom line and reason that we are doing it is that Chief Taylor and I have a continuing experience of talking with citizens, and for example, citizens in Richmond and Ingleside area and elsewhere, they are crying for officers visibility and response to call for services. So when we make promotions to Assistant Inspector to Sergeant and we keep drawing personnel from patrol, we have got to

replace them. So it is a matter of the most efficient and effective realization of resources."

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
James Tuggle 38 Hillpoint Avenue San Francisco, Ca.	Mostafa Tehrani 22 Gardenside San Francisco, Ca.	1

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

TRANSFER OF JITNEY BUS PERMIT - APPROVED

The matter of the transfer of the right to operate a jitney bus by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor being deceased, the transferee furnished the Police Commission with an Order Approving First and Final Account and Decree of Final Distribution, No. 218652, dated February 24, 1978 and signed by Superior Court Judge Jay Pfotenbauer, Endorsed and filed on February 24, 1978 by Carl M. Olsen, Clerk, by E. M. Hayes, Deputy Clerk. The Commission approved the transfer of whatever right, title or interest that the within named transferor might have to operate a jitney bus to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Enrico Assalino (deceased) 151 Valley Street San Francisco, Ca.	Mrs. Evelyn Assalino 151 Valley Street San Francisco, Ca.	1

Route: Mission Street - Ferry to Sickles Avenue

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

HEARING REGARDING GRIEVANCE 7-77 FILED BY ASSISTANT
INSPECTOR MICHAEL WILLIAMS. (CONTINUED FROM MEET-
ING OF MARCH 8, 1978)-CONTINUED FOR THREE (3) WEEKS.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 146-78

HEARING OF POLICE CADET JAMES T. MOORE, JR., BUREAU
OF COMMUNICATIONS

WHEREAS, the hearing of Police Cadet James T. Moore, Jr., Bureau of Communications, was called for hearing, it having been set for this date; and

WHEREAS, Mr. Paul Mike Goorjian, attorney for Police Cadet James T. Moore, Jr., has requested that the matter be continued until March 29, 1978, to allow Police Cadet Moore time to submit his resignation as a Police Cadet; therefore be it

RESOLVED, that the request of Mr. Paul Mike Goorjian, attorney at law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, March 29, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 144-78

HEARING OF MUNI TRANSIT SECURITY OFFICER GROVER FORD.

WHEREAS, the hearing of Muni Transit Security Officer Grover Ford was called, it having been set for this date; and

WHEREAS, Muni Transit Security Officer Grover Ford has requested that a date for the hearing be set after the criminal proceedings have been disposed of in this matter; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Muni Transit Security Officer Grover Ford, be, and the same is hereby approved and continued to Wednesday, April 5, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

HEARING OF CORDEAN GRAY, 1422 CLERK-TYPIST, (C.E.T.A.),
SUPPORT SERVICES BUREAU

The hearing of Cordean Gray, Clerk-Typist, Support Services Bureau, was called, it having been set for this date. Clerk-Typist, Cordean Gray, was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Reflecting Discredit Upon the Department (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Subverting the Good Order of the Department (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Clerk-Typist Cordean Gray appeared in person and was represented by Mr. Michael Pruden, Law Clerk, Employment Law Center.

Assistant Inspector Patricia A. Byrne appeared as the Prosecutor for the Police Department.

The reading of the charges was waived.

Mr. Michael Pruden, Law Clerk, Employment Law Center, made an opening statement and entered on behalf of Clerk-Typist Cordean Gray, a written plea of "nolo contendere."

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 147-78

DECISION - HEARING OF CORDEAN GRAY, 1422 CLERK-TYPIST, (C.E.T.A), SUPPORT SERVICES BUREAU

WHEREAS, on February 1, 1978, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Clerk-Typist Cordean Gray, Support Services Bureau, as follows:

SPECIFICATION NO. 1

- a) That on or about July 20, 1977, at approximately 1300 hours, a theft was committed in San Francisco, from the person of Angie Lee Dees;
- b) That this theft was reported to the police department on or about July 26, 1977;
- c) That on or about October 14, 1977, at approximately 2048 hours, the accused did process police report No. 77-392746-8A which reflects the above-mentioned incident;
- d) That on or about October 26, 1977. the accused did go to Sears Roebuck and Company and apply for a credit card using the name of Angie Lee Dees, a bank employee at 340 Pine Street, San Francisco;

- e) That, upon verification of the statement that the person applying for credit was employed at the above-mentioned business, a credit card was subsequently issued to the accused in the name of Angie L. Dees;
- f) That the accused did use information contained in report No. 77-392746-8A to apply for a credit card from Sears Roebuck and Company;
- g) Because of the above-stated activity, the accused violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which is hereinafter quoted.

SPECIFICATION NO. 2

- a) That paragraphs (a) through (g) of Specification No. 1 are hereby incorporated as though fully set forth herein;
- b) That on or about the 8th and 9th days of December 1977, the accused did use the credit card obtained as described above to charge over four hundred (\$400) dollars of merchandise from Sears Roebuck and Company;
- c) That the misuse of information obtained by an employee of the police department from reports of incidents of crime subverts the good order of the department;
- d) The above-described activity reflects discredit upon the police department;
- e) Because of the above-described activity, the accused violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or

discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 22, 1978, and that on Wednesday, March 22, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Clerk-Typist Cordean Gray, Support Services Bureau, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Clerk-Typist Cordean Gray, violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that said charges made and filed against Clerk-Typist Cordean Gray, as contained in Specification No. 2, are sustained by the evidence presented at the hearing and that Clerk-Typist Cordean Gray, violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Clerk-Typist Cordean Gray, has violated Specification No. 1, Section 2.13, and Specification No. 2, Section 2.13 of the Rules and Procedures of the San Francisco Police Department, and for said violations she shall be dismissed from the San Francisco Police Department; and be it further

RESOLVED, that said dismissal, effective March 22, 1978, at 1840 hours, be, and the same is hereby affirmed and approved.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

342 BALBOA - BALBOA RUGS

- a) At 342 Balboa, install a 44' green zone, to extend from west building line to 44' east of same.

399 FRANCISCO STREET - FRANCISCO JR. HIGH

- a) At 399 Francisco Street, install an 82' white zone, to extend from 6' to 88' east of west property line.

301 MASON STREET - ECONO-CAR OF SAN FRANCISCO

- a) At 301 Mason Street, revoke 22' of 26' red zone and install a 22' white zone, extending from the south property line to 22' north of same.

453 BRYANT STREET - H. BOLTON CO.

- a) At 453 Bryant Street, install a 22' green zone, to extend from 9' to 31' west of east property line.

753 CLAY STREET - U.S. POST OFFICE

- a) At 753 Clay Street, revoke 36' white zone, from 5' east of to 41' west of east property line.

4920-3rd STREET - BUD'S RESTAURANT

- a) At 4920-3rd Street, revoke existing 22' yellow zone, extending from north building line to 22' south of same.

721 VALENCIA STREET - SILVI MOVING AND STORAGE

- a) At 721 Valencia Street, revoke existing 40' yellow zone, extending from 6' to 46' north of south property line.

785 VALENCIA STREET - ABC MOVING

- a) At 785 Valencia Street, revoke existing 25' yellow zone, extending from north property line to 25' south of same.

1501 CLAYTON STREET - CLAYTON GROCERY

- a) At 1501 Clayton Street, revoke existing 24' green zone, extending from 37' to 61' west of Clayton.

1501 WALLER STREET - CLAYTON GROCERY

- a) At 1501 Waller Street, revoke existing 27' yellow zone, extending from 10' to 37' west of Clayton.

515 FREDERICK STREET - WHITMORES RUG & UPHOLSTERY
CLEANERS

- a) At 515 Frederick Street, revoke existing 18' green zone, extending from 18' west of the east property line.

401 FREDERICK STREET - MOBIL GAS STATION

- a) At 401 Frederick Street, revoke existing 40' yellow zone, extending from 10' to 50' west of Cole Street.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 254 feet of red, white, yellow and green zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 133-78

ESTHER BANUELOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Esther Banuelos against the City and County of San Francisco in the sum of \$2.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1977 to December 24, 1977

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 134-78

CATHERINE TINSLEY AND HER
ATTORNEY TONY TAMBURELLO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Catherine Tinsley in the sum of \$1,315.00 in Superior Court Action No. 692-862 entitled "Catherine Tinsley v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 3, 1977

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 132-78

LENA FITZ HENRY, GUARDIAN AD
LITEM OF MARVIN GASSMAN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Marvin Gassman in the sum of \$200,000 in Superior

Court Action No. 639-581 entitled "Marvin Gassman, an incompetent person, by and through his Guardian Ad Litem, Lena Fitz Henry v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 10, 1970

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 135-78

AUTHORIZING ATTENDANCE OF INSPECTOR ROBERT L. STONE, ARSON TASK FORCE, AT THE ARSON INVESTIGATORS' SEMINAR AT ANAHEIM, CALIFORNIA, FROM APRIL 23, 1978 TO APRIL 28, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector Robert L. Stone, Arson Task Force, be detailed to attend the Arson Investigators' Seminar at Anaheim, California, from April 23, 1978 to April 28, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector Stone in a sum not to exceed \$348.90 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 138-78

AUTHORIZING ATTENDANCE OF POLICE OFFICERS DIRK J. BEIJEN AND JOSEPH C. MOLLO, PERSONNEL AND TRAINING, ACADEMY STAFF, AT THE SELF DEFENSE AND ARREST TECHNIQUES INSTRUCTORS' COURSE AT SANTA ROSA, CALIFORNIA, FROM APRIL 17, 1978 TO APRIL 28, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Dirk J. Beijen and Joseph C. Mollo, Personnel and Training, Academy Staff, be detailed to attend the Self Defense and Arrest Techniques Instructors' Course at Santa Rosa, California, from April 17, 1978 to April 28, 1978,

inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officers Beijen and Mollo in a sum not to exceed \$424.50 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 139-78

AUTHORIZING ATTENDANCE OF POLICE OFFICERS THOMAS P. DONOHUE AND PHILIP J. DITO, NARCOTICS UNIT, AT THE NARCOTIC INVESTIGATORS TRAINING COURSE AT SACRAMENTO, CALIFORNIA, FROM APRIL 10, 1978 TO APRIL 22, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Thomas P. Donohoe and Philip J. Dito, Narcotics Unit, be detailed to attend the Narcotic Investigators Training Course at Sacramento, California, from April 10, 1978 to April 22, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Officers Donohoe and Dito in a sum not to exceed \$514.00 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 140-78

AUTHORIZING ATTENDANCE OF STAFF ASSISTANT RAYMOND T. GALVIN, INTEGRATED CRIMINAL APPREHENSION PROGRAM DIRECTOR, AT A MEETING OF ICAP PROJECT MANAGERS AT KANSAS CITY, MISSOURI, FROM MARCH 27, 1978 TO MARCH 31, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the

Chief of Police that Staff Assistant Raymond T. Galvin, Integrated Criminal Apprehension Program Director, be detailed to attend a meeting of ICAP Project Managers at Kansas City, Missouri, from March 27, 1978 to March 31, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Staff Assistant Raymond T. Galvin will be defrayed by the Integrated Criminal Apprehension Program.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 141-78

AUTHORIZING ATTENDANCE OF SERGEANT DAVID WINN, CRIME SPECIFIC TASK FORCE, AT THE EXPLOSIVE ORDNANCE DISPOSAL TRAINING SCHOOL AT HUNTSVILLE, ALABAMA, FROM APRIL 16, 1978 TO MAY 5, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant David Winn, Crime Specific Task Force, be detailed to attend the Explosive Ordnance Disposal Training School at Huntsville, Alabama, from April 16, 1978 to May 5, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Winn in a sum not to exceed \$1,117.00 in attending this school, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 142-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred

in attending the below-indicated program, be, and the same is hereby approved:

Sergeant Bill R. Taylor)\$340.00 (Polygraph Training Seminar at Internal Affairs Bureau (Austin, Texas, from (March 6, 1978 to (March 10, 1978, inclusive.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 143-78

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY POLICE OFFICER DONALD P. CARLSON, PERSONNEL AND TRAINING, AND DR. MIMI H. SILBERT, DEPARTMENT TRAINING CONSULTANT, AT THE BASIC COURSE REVISION CONSORTIUM WORKSHOP AT INGLEWOOD, CALIFORNIA, FROM FEBRUARY 21, 1978 TO FEBRUARY 23, 1978, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, Police Officer Donald P. Carlson, Personnel and Training, and Dr. Mimi H. Silbert, Department Training Consultant, attended the Basic Course Revision Consortium Workshop at Inglewood, California; and

WHEREAS, Officer Carlson and Dr. Silbert did travel to Inglewood, California, on February 21, 1978 to February 23, 1978, inclusive, to attend this Workshop; therefore be it

RESOLVED, that expenses in the amount of \$136.00 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 145-78

AUTHORIZING ATTENDANCE OF LIEUTENANT FORD E. LONG, IDENTIFICATION/SSB AT THE NATIONAL CRIME INFORMATION

CENTER AT WASHINGTON, D.C., FROM MARCH 28, 1978
TO MARCH 30, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Ford E. Long, Identification Section/SSB be detailed to attend the National Crime Information Center at Washington, D.C., from March 28, 1978 to March 30, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Long will be defrayed by the National Crime Information Center.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 131-78

MICHAEL S. KAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael S. Kay against the City and County of San Francisco in the sum of \$500.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: February 7, 1978

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

WEEKLY SICK REPORT

PREVIOUS WEEK

Daily average for the week		
sick	57	55
Daily average for the week		
disabled	<u>93</u>	<u>95</u>
TOTALS	150	150

There is no increase or decrease of members off duty daily from the previous week.

Daily percentage for the week sick	3.14
Daily percentage for the week disabled	<u>5.59</u>
TOTAL	8.73

Disabled at the start of the week	95
Started during the week	10
Returned during the week	8
Disabled at the end of the week	97
Net Gain or Loss	+2

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
MARCH 8, 1977 AT 2400 HOURS:

Daily average for the week sick	72
Daily average for the week disabled	<u>79</u>
TOTAL	151
Daily percentage for the week sick	3.53
Daily percentage for the week disabled	<u>4.85</u>
TOTAL	8.38

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
JANUARY 31, 1978 AT 2400 HOURS:

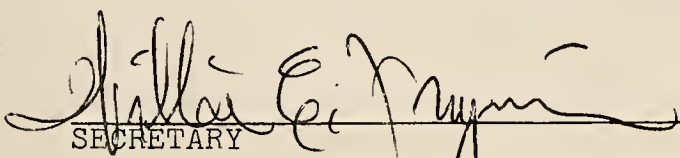
Daily average for the week sick	62
Daily average for the week disabled	<u>106</u>
TOTAL	168
Daily percentage for the week sick	3.32
Daily percentage for the week disabled	<u>6.28</u>
TOTAL	9.60

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

The Commission then adjourned its meeting at 1840 hours.



SECRETARY

29 MARCH 1978

REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, March 29, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Toler, Siggins

ABSENT: Commissioner Sanchez

JUN 16 1978

Commissioner Siggins presiding.

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

APPROVING AND AUTHORIZING THE POLICE DEPARTMENT UNDER APPLICABLE PROVISIONS OF THE CITY CHARTER, TO APPLY FOR, ACCEPT AND ADMINISTER A GRANT OF FUNDS FROM THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION FOR A PROJECT ENTITLED "IMPROVING POLICE SERVICES TO LANGUAGE MINORITIES."

Chief Gain: "Mr. President, if I may and Commissioners, in regard to number 7, the grant improving police service to language minorities, Mr. Henry Derr of Chinese for Affirmative Action is here and I believe he wants to speak to it at your pleasure."

Henry Derr: "Commissioners, Police Chief Charles Gain, we had an opportunity to look at this final draft of the Language Minorities Communications proposal which will be submitted to the Law Enforcement Assistance Administration back in Washington, D.C. We have conducted a series of meetings with the Police Chief and his officers, concerning the contents of this proposal, so we are glad to know the contents and we have had some input as to the direction and some of the goals. Overall, we do not have any major objections as to what this proposal is trying to achieve and that is to improve the level of bi-lingual police services not only in the Chinese Community but in the Filipino Community, Koreans, Japanese and Latino Community. But before giving approval, we would ask that Chinese for Affirmative Action,.....suggest that further consideration is given in modifying this proposal, because upon review of this \$500,000 proposal which will go over a period of two years 20% of the monies are allocated towards research of the problems of language minorities in having access to police services. We feel that this large percentage of monies is almost too much. We feel that research into the problems of crime in the community and how to solve them is important but as I have mentioned this afternoon to the Police Chief and to his officers that maybe some further consideration should have been toward beefing up the on-site training and supervision of the bi-lingual police officers or the bi-lingual cadets who would be brought on as a result of this proposal. I think that it is reason-

able to say that there will be and there has been a considerable degree of pressure placed on, not only, in general on ethnic minority officers in the San Francisco Police Department to conform to certain norms...er...they may not necessarily be in the interest of the ethnic minority communities, but in particular to the bi-lingual police officers. I think that there may and there probably is a certain degree of resentment among the rank and file towards these bi-lingual police officers because some of them were called out of order in the last recruit class. And we feel very strongly that not only should the bi-lingual police officers who may, who are already on the force now but those cadets who will be called up as a result of this proposal, that they need extra supervision, some training and also to have some kind of training in a sensitivity program for those who are non-bi-lingual, non-Chinese on the police force so they understand the total emphasis and the impact on this program. So I would submit that instead of approving this package today that you may possibly delay it so that we could look and make some modification. Now in my conversation with the Police Chief, he, of course, is of the opinion that let's move on with this today and get the matter submitted to the San Francisco Board of Supervisors and then to the U.S. Department of Justice and if there are some modifications that are necessary down the road that we would then submit those modifications to LEAA, granted if this whole package is approved. I think it would be a little more prudent if we can iron out all the little problems now so that when it gets funded and the people are on the project there isn't a lot of equivocation as to what they should be doing and where they should be headed in terms of improving the level of bi-lingual services. I think it would be a little cleaner to try to iron out, but I don't know, at least the Chief....."

Commissioner Ciani: "I would like to ask the Chief to explain why the 20% amount was allocated to research, does this have something to do with a requirement of LEAA?"

Chief Gain: "It is always nice to disagree with Mr. Derr because we are so friendly in doing it. We feel that the research is needed because we are operating under some assumptions as to the needs of the non-English speaking communities. So we feel that a great deal of research is needed and we feel that this amount should stay in there. If I may, I will have Mr. Dave Smith explain the need for the research and then, briefly, what that will entail, would you do that Mr. Smith?"

Dave Smith: "Our concern is including the research item in the grant was that as we discussed the various community groups, their concern concerning what the department was doing, we found that they felt we did not have a solid factual base for developing training programs for the various kinds of activities that they would like to see in the department. I

think it was a fairly consistent opinion on the part of the various community groups that we talked to that the Department did not have a factual knowledge of their size or their concerns or of their perceptions of the Department or of what the Department could specifically be doing to work with them in terms of providing better services, and so one of our concerns was to include this kind of an item in the budget so that we could employ personnel, at no cost to ad valorem taxes, to develop this information base for us, to then enable the Department to design programs and provide services on a realistic and defensible basis rather than simply going ahead without really knowing what we were dealing with."

Commissioner Toler: "Mr. Derr, what modification would you make in the proposal as it is now?"

Henry Derr: "Well on page 10 of the grant, I don't know if you have the same document in front of you as I do. On page 10 under personnel services and salaries, the first 3 items would include the whole research unit. In addition, thereto, there are also monies allocated for consultants, and if I am not mistaken, that is located on page 15, item 3 research wherein 90 days for 3 research consultants would be allocated towards developing expertise out of the targeted language minority groups. It is our opinion that because we already have bi-lingual police officers on board now and hopefully 9 more will come on shortly and another 20 will come on as a result of the consent decree that is yet to be adopted and we don't know if it is going to be adopted out of the OFJ lawsuit that built into this proposal that there be some very strong training component working with those who are already here getting first hand knowledge trying to develop the model, trying to figure out what are their problems, what they need help in. I will give you one concrete example: Last fall when the San Francisco Police Department took the very aggressive step to hire the Cantonese Hotline Operators, the operators perform, in general very well in Central Station. In other words, they had relatively a positive experience. But the experience for those who are assigned to the Richmond District, and possibly the Central Station, were less than positive. And we felt very strongly that if they had day to day supervision or training, or some kind of monitoring mechanism some of those problems might have been avoided. Now the problems exist because they are new on the job, and also, the people that they are assigned to work with may not fully understand the impact of the program, and we feel very strongly that you need to train the bi-lingual people so that they better serve the people in the community, and also to train their supervisors, mainly dominant English speaking officers."

Commissioner Siggins: "I don't see what this has to do with this grant Mr. Derr. These things can be done sooner than any grant."

Henry Derr: "Well the Police Chief has mentioned to me that this Commission and the Department has forwarded a training officers' line item budget out of the new fiscal 79 and my reservations is that we don't know if that training officer budget, as part of the general budget in the police department, will, in fact, be adopted by the San Francisco Board of Supervisors. I think it would be much wiser to have an integral portion or to have this proposal fully integrated addressing to the bi-lingual issue because you are going to have cadets on board and you already have bi-lingual officers already on."

Commissioner Ciani: "Well, Mr. Derr, you are not supporting the argument that the amount allocated to research is excessive when you say that, is there a connection?"

Henry Derr: "Yes, I am sorry if I haven't made myself..
....."

Commissioner Ciani: "What you are saying is that the funds should be used for something else and not for research."

Henry Derr: "Right, that the amount for research is excessive because I feel that with four people or 3 people on board that they may end up, and also, you have a very hefty allocation for consultants to do research. I strongly feel people either may be researched to death or end up sitting...not having very much....."

Commissioner Ciani: "I think there is more danger in a lot of situations that you will forge ahead and develop a program without an adequate factual basis. You say that the Department doesn't need particular facts to develop the kind of training programs to render effective service. I think you are not in a position to say what kind of research is necessary as a proper foundation. I can understand that as a member of the community you might feel that the problems are obvious and that the needs are obvious and that the facts are there but for facts that translate into effective programs I think the department has to judge whether the data is available and I think they are saying that it isn't sufficiently available."

Henry Derr: "Well, yes, Commissioner, if I may add, what I say should not be construed to mean that I am opposed to any research. I think that the amount that is allocated in terms of the personnel is excessive when compared to the need. We really won't know until 1980, when the 1980 Census will be taken the extent of the monolingual language problem that exist with all of the communities because the questionnaire in the 1980 Census is being modified to ask specifically whether you speak English or not and if not, what language do you speak at your home."

Commissioner Ciani: "Are you saying it is premature to do the research now?"

Henry Derr: "To the extent that it's going to be limited and that the department will gain just as much knowledge by having someone in the project to work very closely with the cadets and the bi-lingual officers on almost a day to day basis and I don't think that this factor is present. Because we certainly have worked very hard with the Police Chief to identify all statistical and demographic sources that would shine more light on the language minority problem. And I think we, as well as any other community group and institution, has uncovered as much as we can."

Commissioner Ciani: "Well, you can understand though that from our point of view our interest is that the department have an adequate foundation and data that they feel that they need. We have to give substantial weight to the recommendation of the Department that they need that research, so....."

Commissioner Murphy: "I would like to add something to that also. I don't think that we necessarily have to take the recommendation of the department completely, but I noticed one thing that hasn't been addressed at all here throughout the material. It says that they want to involve all of the sworn personnel, that is possible to bring out any talents they may have for a second language which may be Spanish in many cases and there has been no investigation or inquiries for languages. Possibly of small knowledge of Spanish that could be translated with work and training into a real ability. I don't think you can really have too much research on something that is new and as different as this is. This is my feeling and I say this is an Administrator not as a Police Commissioner per se.

I think that we frequently go into very expensive projects without really knowing what it is and I know...I am sympathetic with your feelings, but I don't think you can really over-research something of this nature because it's so complicated, it has so many variables, it has so many different sources, how many, for example, we don't know how much Tagalog we are going to need. I mean, I just don't agree with you, I think you're saying that it is a great deal too much or not a great deal, over financed and as far as research is concerned. I think that is just a judgment that you are making and can be a misjudgment in a sense. I have all sorts of questions that I would like to ask about this which I am sure the facts aren't available yet nor has the research yet been done."

Henry Derr: "Well I think with the monies that are allocated for the consultants and if you have a researcher, or two researchers, it is our opinion in working with similar projects that that is adequate. I would just like to emphasize that we are not opposed to research. I think the difference lies in terms of how much, and one problem that we do perceive is having enough staff capability to deal with some of the day to day implementation problems of bi-lingual services because you have the bi-lingual officers on board and this is one deficiency in the proposal. So that is what I like to, you know, bring up."

Commissioner Siggins: "On a scale of 1 to 10 where would you put the proposal?"

Henry Derr: "Well, I would say probably 5 or 6 right now. I, you know, I have told the Police Chief in conversation this morning that there are many things that we don't know. We don't know what is going to work and what isn't going to work. But just from past experience, if you don't get on top of some of the problems and if people who are hired as researchers act as researchers, sometimes it is very difficult to retrieve that information. That's why it would be much better to have a trainer or someone of that nature supervising or monitoring."

Commissioner Murphy: "What are you going to train? You don't know what you want to train for."

Henry Derr: "Well, you're gonna have at least 10 police cadets and, hopefully, maybe more. You already have some bi-lingual police officers on board. You already have some who are also Spanish. We have already identified some language situations, you know, language improvement areas that are needed. In addition thereto, these men and women are out in the field, working with, you know, residents of the city and working with other police officers. You have communications dispatchers, you also have your operators and in this sense it is not totally absolutely coordinated and that's.....I think there needs to be some coordination and I don't think a researcher is in a position to do so."

Commissioner Ciani: "There is an underlying assumption here that if you take the money away from research you can put it some place else. Is there a finite amount of money available or is that an accurate assumption?"

Chief Gain: "There is a certain amount of money available and it would have to be taken from some other component, research or some one else in order to do what Mr. Derr suggest."

Commissioner Ciani: "So the maximum available is the \$500,000."

Chief Gain: "That's the maximum. It is our position, after Mr. Derr called me this morning, I thoroughly read this again and took into consideration what he stated about the research component cost and I am still recommending to the Commission that it be passed in its present form. We will, of course, insure satisfactory supervision and training outside the grant with present staff. I mentioned to Mr. Derr this morning that we could even have additional training staff if our requests in the fiscal year budget are approved. So we will take care of the supervision and training with existing staff and it does not have to be provided for within the grant, and finally, as it has been pointed out by one or more

of the Commissioners, research, particularly in this grant, is absolutely essential to provide a basis for planning and for fulfilling the requirements of the grant. If we don't have that research, we simply can't do it."

Commissioner Ciani: "Mr. Derr, I am sorry that you don't have a higher estimation of the value of this proposal, but I hope that you will support it and work to....."

Commissioner Siggins: "When it leaves here it goes before the Board of Supervisors, we wouldn't expect much more enthusiastic support from a group called Chinese for Affirmative Action."

Henry Derr: "Well, I would be foolhardy if this matter passes out of the Commission to oppose it."

Commissioner Ciani: "Well, we appreciate your comments."

Henry Derr: "I thought that in fairness to the Commission and to the Police Chief and to the people who had been working on this and to ourselves, that we should at least express, you know, some of our reservations and some of our support for this particular proposal. I don't mean to be completely negative, there are positive aspects to this."

Commissioner Ciani: "I think some of your reservations can be taken into account by Departmental personnel as they implement this program with your cooperation."

Commissioner Toler: "I am sure too, Mr. Derr, you can live with the proposal as it is now, couldn't you?"

Henry Derr: "You are forcing me to say things that I don't want to say."

Commissioner Ciani: "You already said 5 to 6. I would move for approval."

Commissioner Murphy: "Chief, I had a question on the resolution that goes to the Board of Supervisors and maybe this is just ignorance but will the Board of Supervisors get this entire proposal or will just the Resolution go?"

Chief Gain: "No, they will get the entire proposal."

Commissioner Murphy: "How will they know what portion of this grant has to be matched from.....?"

Chief Gain: "The match is stated. \$55,000 is the match."

Commissioner Murphy: "But they don't get that from this resolution, is what I am saying, but I assume they will know that is it."

Chief Gain: "They get the whole thing."

Commissioner Murphy: "They get the package, fine."

Commissioner Siggins: "Are there any other further questions on this item of the consent calendar, or any other matter on the consent calendar?"

Commissioner Ciani: "I would move approval of the consent calendar."

Commissioner Siggins: "Motion by Commissionr Ciani."

Commissioner Murphy: "I will second it."

Commissioner Siggins: "Seconded by Commissioner Murphy, any further discussion? All in favor?"

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 150-78

APPROVING AND AUTHORIZING THE DEPARTMENT OF POLICE UNDER APPLICABLE PROVISIONS OF THE CITY CHARTER, TO APPLY FOR, ACCEPT AND ADMINISTER A GRANT OF FUNDS FROM THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION FOR A PROJECT ENTITLED "IMPROVING POLICE SERVICES TO LANGUAGE MINORITIES."

BE IT RESOLVED, that the Police Commission of the City and County of San Francisco does hereby approve and authorize the Department of Police, under applicable provisions of the City Charter, to apply for, accept and administer a grant of funds from the Law Enforcement Assistance Administration, as follows:

\$555,555 to improve police services to San Francisco's language minorities by:

- 1.- improving the ability of the Department to respond to crime affecting members of the City's language minorities,

- 2.- improve communication between the Department and the City's major language minority communities, and
- 3.- expand and strengthen the Department's equal employment opportunity and affirmative action program.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

3503 - 16th STREET - MINI WAX -CONTINUED FOR ONE WEEK

2152 LARKIN STREET - C & L WASH & DRY

- a) At 2152 Larkin Street, install a 22' green zone, to extend from south property line 22' north.

6324 GEARY BOULEVARD - SIMS VILLA

- a) At 6324 Geary Boulevard, install a 22' white zone, to extend from east property line to 22' west of same.

1840 LOMBARD STREET - HALL TREE ANTIQUES

- a) At 1840 Lombard Street, install a 22' green zone, to extend from west building line to 22' east of same.

2751 - 23rd STREET - EMPIRE MANUFACTURING COMPANY

- a) At 2751 - 23rd Street, revoke existing 21' yellow zone, extending from 3' to 24' north of Hampshire.

3611-19th STREET - NEW CHINA HERB CO.

- a) At 3611-19th Street, revoke existing 21' green zone, extending from 27' to 48' west of Guerrero Street.

1995 UNION STREET - BANK OF AMERICA

- a) At 1995 Union Street, revoke existing 43' yellow zone, extending from 15' to 58' east of Buchanan Street.

1909 UNION STREET - MARINA SEA-SKI SHOP

- a) At 1909 Union Street, revoke existing 18' yellow zone, extending from 2' to 20' east of west line of #1915.

599 PAUL - PAUL DELICATESSEN

- a) At 599 Paul, revoke existing 19' green zone, extending from 15' to 34' east of San Bruno.

501 PAUL - DAVIS WINE & LIQUOR

- a) At 501 Paul, revoke existing 24' yellow zone, extending from 6' to 30' west of Wheat.

400 PAUL - LINK BELT COMPANY

- a) At 400 Paul, revoke existing 60' green zone, extending from 9' to 69' west of east line of building.

450 ARGUELLO BOULEVARD - ROOSEVELT JR. HIGH

- a) At 450 Arguello Boulevard, revoke existing 36' white zone, extending from 84' to 120' south of north property line.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 242 feet of yellow, green and white zones at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Sergeant Robert L. Pearson, Southeast Police Station, for service, effective February 1, 1978.
- b) Police Officer Edward P. Lawson, Richmond Police Station, for service, effective February 20, 1978.
- c) 1446 Sr. Clerk-Stenographer, Wanda Bower, Northern Police Station, for service, effective March 1, 1978.

The communications were ordered filed.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 153-78

CAROL ANN COPENHAGEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol Ann Copenhagen against the City and County of San Francisco in the sum of \$21.00 as the result of a

faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1977

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 154-78

BERT S. LEVENSON, M.D.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bert S. Levenson, M.D., against the City and County of San Francisco in the sum of \$22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 4, 1978

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 155-78

OLIVIA URBINA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Olivia Urbina against the City and County of San Francisco in the sum of \$30.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1977

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 156-78

CALIFORNIA CASUALTY (KENNETH ELLIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of California Casualty (Kenneth Ellis) against the City and County of San Francisco in the sum of \$295.36 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: June 26, 1977

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 151-78

AUTHORIZING ATTENDANCE OF LIEUTENANT CHARLES W. THOLLANDER, INTERNAL AFFAIRS BUREAU, AT THE WORKSHOP ON POLICE CIVIL LIABILITY AND DEFENSE OF CITIZEN MISCONDUCT COMPLAINTS AT SAN FRANCISCO, CALIFORNIA, FROM MAY 21, 1978 TO MAY 24, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Charles W. Thollander, Internal Affairs Bureau, be detailed to attend the Workshop on Police Civil Liability and Defense of Citizen Misconduct Complaints at San Francisco, California, from May 21, 1978 to May 24, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Thollander in a sum not to exceed \$255.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 152-78

AUTHORIZING ATTENDANCE OF CHRIS A. JOHANSEN, CHEMISTRY ASSISTANT, CRIME LABORATORY, AT THE SURVEY OF GLASS EVIDENCE WORKSHOP, AT QUANTICO, VIRGINIA, FROM APRIL 23, 1978 TO APRIL

28, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Chris A. Johansen, Chemistry Assistant, Crime Laboratory, be detailed to attend the Survey of Glass Evidence Workshop at Quantico, Virginia, from April 23, 1978 to April 28, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Chris A. Johansen will be defrayed by the F.B.I.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 149-78

APPROVING AND AUTHORIZING THE DEPARTMENT OF POLICE UNDER APPLICABLE PROVISIONS OF THE CITY CHARTER, TO APPLY FOR, ACCEPT AND ADMINISTER A GRANT OF FUNDS FROM THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION FOR A PROJECT ENTITLED, "COMMUNICATIONS COMMAND AND CONTROL IMPROVEMENT PROGRAM - PART II."

BE IT RESOLVED, that the Police Commission of the City and County of San Francisco does hereby approve and authorize the Department of Police, under applicable provisions of the City Charter, to apply for, accept and administer a grant of funds from the Law Enforcement Assistance Administration, as follows:

\$54,573 to improve vital police telephone communications by replacing existing electro-mechanical switching and adding an analysis capacity to improve the Department's management of the new system.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 148-78

REQUEST FOR FUNDING OF EXPENSES INCURRED IN CONNECTION WITH THE OFFICERS FOR JUSTICE VS. CITY AND COUNTY OF SAN FRANCISCO LAWSUIT - APPROVED.

RESOLVED, that the Police Commission hereby approves the transfer of \$23,028 from the Police Department salary account to the Civil Service Department to assist in funding special expenses incurred in connection with the Officers for Justice vs. City and County of San Francisco lawsuit.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	57	55
Daily average for the week disabled	<u>93</u>	<u>95</u>
TOTALS	150	150
There is no increase or decrease of members off duty daily from the previous week.		
Daily percentage for the week sick		3.14
Daily percentage for the week disabled		<u>5.59</u>
TOTAL		8.73
Disabled at the start of the week		95
Started during the week		10
Returned during the week		8
Disabled at the end of the week		97
Net Gain or Loss		+2

SICK AND DIABLED FOR THE WEEK ENDING SATURDAY, MARCH 8, 1977 AT 2400 HOURS:

Daily average for the week sick	72
Daily average for the week disabled	<u>79</u>
TOTAL	151

Daily percentage for the week sick	3.53
Daily percentage for the week disabled	<u>4.85</u>
TOTAL	8.38

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
JANUARY 31, 1978 AT 2400 HOURS:

Daily average for the week sick	62
Daily average for the week disabled	<u>106</u>
TOTAL	168

Daily percentage for the week sick	3.32
Daily percentage for the week disabled	<u>6.28</u>
TOTAL	9.60

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

SETTING OF DATE FOR HEARING OF CAPTAIN J. WILLIAM
CONROY, PARK POLICE STATION.

Commissioner Siggins: "Mr. Bley had a request...Captain Conroy had to attend a meeting and so we could pull that item #11 out of order."

Stephen Bley: "In the matter of Captain Conroy this was placed on the calendar for today's date for a status report. About a month and a half ago I made a request to the Police Department for Discovery and I was informed about three weeks ago that my letter had been mislaid. I then sent them another one. I presume there must be voluminous numbers of documents and reports that are being prepared for me and as of this date I have not received them. I would request that this matter be set on the calendar for a Status report. Hopefully by May 10th, they will have been able to garner and correlate the evidence they must have and on the tenth of May we could set a trial date which we know will be....."

Commissioner Siggins: "How many countries will you have visited between now and May 10th? That's alright with us. I had written a letter to you and.....Mr.Bley, regarding appearing...we had a hearing.....involving Captain Conroy, what was the

date of it? March 1st. I had suggested that you come back here on April 5th at your convenience because I talked to you about that earlier. I didn't realize you were going to be here tonight, but if you don't mind, I can bring up the issue of the prior disciplinary hearing of Captain Conroy, and I presume you would still keep that in the open rather than a private matter?"

Stephen Bley: "Yes, certainly, for the record Mr. Commissioner, you were kind enough to call me and tell me what your position was and I informed you what my position would be that the dye is cast and that I would object to any re-opening of the matter and that if the Commission did re-open it itself, then we would simply object to it as....."

Commissioner Siggins: "Well, okay, I think I have got the tenor of what you mean but for the record also, the City Attorney contacted me after March 1st and told us that the provisions of the Brown Act and the provisions of the City Charter, in his opinion, would require that once you, as attorney for Captain Conroy, had asked for an open hearing and had not waived any private discussions by the Commission, that we should have deliberated in the open. He advised me then that the case or the matter should be re-opened to receive further evidence if either side wanted to put in further evidence, and then, that the prior decision of the Commission should be set aside before re-opening, that we should then deliberate on the matter in public. It was in error on my part, according to the City Attorney, in doing what we did in going into deliberation in private, we have spent considerable hours on the hearing, I as one Commissioner would just assume or suggest to my other Commissioners that we drop the matter and dismiss the charges against him rather than re-open it and have you have to have considerations that we have done in private, be done in public, with the state of the record as it is now."

Commissioner Ciani: "I would support that because I think it is unrealistic to think that we could re-open the matter and then cure the procedural defect without there being some prejudice. So I also would be in favor, on the basis of this procedural defect, of just simply dropping the whole matter. I think that Captain Conroy has been through quite a bit and it would be in the interest of the department and everyone else involved, if we were to admit the error and just dropped the whole thing."

Stephen Bley: "I don't feel that I am in a position to object, I certainly take the position that as we did at the hearing at the time. We did object to it, I believe that the position taken by the Commission now is appropriate and we will accept that with your thanks, if that is the position of the Board that the Charges.....findings be set aside and that the charges will be dismissed."

Commissioner Siggins: "Right."

Commissioner Ciani: "I would so move."

Commissioner Toler: "I second."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

Stephen Bley: "I would also add to the course, that in light of this, that the record be expunged because otherwise the Captain's record would indicate charges were brought up, he was found guilty, and then they were set aside, it doesn't have any indication of what happened."

Commissioner Siggins: "Well, there was no disciplinary penalty put into effect and it can be set aside in whatever manner that would be proper."

Stephen Bley: "Chief, what is the appropriate manner in which the records are kept...the records will reflect that charges have been levied. At that point I would assume that since the Commission is setting aside the procedure of the hearing the only thing that would be left in the Captain's file are those charges which were filed and there would be no explanation....."

Chief Gain: "I would recommend to the Commission, as a part of it's resolution, direct the Department to expunge the files."

Commissioner Ciani: "I amend my resolution to include that direction."

Commissioner Siggins: "All in favor?"

RESOLUTION NO. 158-78

DATE TO BE SET FOR HEARING OF CAPTAIN J. WILLIAM CONROY, PARK POLICE STATION.

WHEREAS, the date to be set for the dis-

ciplinary hearing of Captain J. William Conroy, Park Police Station, was called, and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Captain J. William Conroy, stated that he is in the process of obtaining Discovery evidence from the Police Department, and because of the delay in obtaining said evidence, he would like the matter to be calendared for May 10, 1978, at which time a date would be set for the hearing in the matter of Captain J. William Conroy; therefore be it

RESOLVED, that the date for the setting of the disciplinary hearing before the Police Commission for Captain J. William Conroy, Park Police Station, be, and the same is hereby set for Wednesday, May 10, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, I have no report, but I would like to state that last week we submitted to the Commission a report on the crime of forcible rape and we stated at that time that perhaps you would want to read it and we could respond to any questions and we have a staff member here to respond to any questions you may have or come to your mind."

Commissioner Ciani: "Could we put that off for another week, I don't happen to have my copy?"

Commissioner Murphy: "I would like to have it too, because I just honestly haven't had a chance to digest it, and I hope we could do it next week."

Commissioner Ciani: "If I might, I wanted to raise a question with the Chief which we've talked about a little bit before. That is the increasing use of stop signs by the Department of Public Works. There are stop signs springing up all over the city in places where it is quite apparent that the purpose of the stop signs is to slow down the through traffic, and not to bring people to a stop at a dangerous intersection. When we discussed it, I think you indicated that this creates a psychological effect that people recognize these stop signs are not for the real purpose of stop signs and tend to start going through the inappropriate stop signs and then the appropriate stop signs as well. It might be in line to consult with the Department of Public Works about this trend of putting stop signs in unusual places."

Chief Gain: "Yes, with reference to that conversation, it was based upon a conference I had with Commander Seghy of the Traffic Division, and he related to me that there is a committee and they have adopted the policy that in order to satisfy neighborhood complaints as regard to speeding or whatever, they put up stop signs. And I instructed Commander Seghy thereafter, because we had that discussion maybe a month ago, that if they made a decision to put in a stop sign for that reason, for him to take strenuous objection to it because it does create an atmosphere where people do disobey them, and then secondly, there is an expectation that the police will enforce those numerous stop signs and we simply don't have the personnel to do it. So those are my instructions to him and he will be reporting back as to what occurs, and so we may have to take more emphatic action to address that policy matter by that Committee."

Commissioner Ciani: "It also might tend to be abused. That duck pond principle that we have discussed before might be associated with stop signs that people are likely to go through, you might find officers using them as an opportunity to stop a lot of people."

Chief Gain: "That could well occur, particularly based upon complaints that they put up these stop signs and then the neighbors start complaining about lack of enforcement, the officers could be assigned out to satisfy the complaint and issue numbers of citations, when in fact, accidents are not resulting and the officers could, on their own volition, enforce those and I question that they are doing it because of such great numbers and traffic is basically working now, basically on a selective enforcement basis, that is, they are being assigned to write citations in geographical areas which, based upon accident experience, you get enforcement. But it is inherently a bad idea within any city to keep putting up stop signs time and time again just to satisfy citizens complaints. Some streets, Santa Clara Avenue is one, that almost block after block....."

Commissioner Ciani: "Well, Lake Street where I live, is one that has numerous stop signs, which are placed where there are dead end streets all along the way and there is no real need for a stop sign."

Commissioner Murphy: "I would like to address that if I may, because I didn't know that the police ever put up or ordered a stop sign. I had to get a hundred signatures to get one at Washington and Laguna for our neighbors living right around it because of people coming up the hill, they almost had accidents all of the time, and it goes to the Board of Supervisors who are the ones who okays it and I don't know what our input would be....."

Chief Gain: "What I made reference to, there is a Committee of city staff members and Captain Seghy is a member of that Committee, and there they make some decisions and they make recommendations to the Board of Supervisors."

Commissioner Murphy: "For stop signs?"

Chief Gain: "For stop signs."

Commissioner Murphy: "It doesn't have to come from the neighborhood then or the....."

Chief Gain: "Usually the Committee entertains complaints that have come from the neighborhoods for example, and they entertain a particular intersection....."

Commissioner Murphy: "Who is on this Committee?"

Chief Gain: "Commander Seghy is on the Committee and then, presumably, Department of Public Works people and so on."

Commissioner Murphy: "I see. Various departments. Of course, one of the reasons you have them along Lake Street is because of Supervisor Pelosi, he lived there and people wanted the traffic slowed. My experience is you had to get someone killed usually before you could get a stop sign put up, but maybe it's changed now, I don't know."

Chief Gain: "Well, we will submit a written report to the Commission giving more detail on what that Committee is and what the process is."

Commissioner Siggins: "Is that the substance of.....?"

Chief Gain: "That completes my report."

HONORING COMMISSIONER HERMAN E. GALLEGOS FOR HIS
SERVICE AS POLICE COMMISSIONER.

Commissioner Siggins: "It is suggested by Commissioner Ciani that we recognize the presence of former Commissioner Herman Gallegos, and we asked Commissioner Gallegos to return some evening at his convenience, where the Commissioners could give him a token that we would like to have him open and so that they can be seen, so would you come up here Herman?"

Herman Gallegos: "I note with great interest, the addition of microphones, which will increase the eloquence of the Commissioners. In the old days you could mumble and nobody would hear you, but now....."

Commissioner Siggins: "Well, I would like to stand up and offer this to you Commissioner Gallegos. It was the wisdom of the Mayor that brought us all together. I think in the two years that we worked with you, we developed a friendship that I will never forget. You have the talent for molding the interest of the entire city of San Francisco and the community from which you came and the members of the Police Department and you certainly taught us a lesson. Those are replicas of the City Seal (cuff links) that were made by a particular jeweler in the Administration of Joseph Alioto when he gave us some gifts, and we asked them to do those in caste for you. We asked permission from the Mayor's Office to do it and he certainly came forth with permission to do so."

Herman Gallegos: "I can use the jewelry and I appreciate it. I am always very pleased to see the drop in the crime rate, particularly those in household burglaries."

Commissioner Siggins: "Well, we ask you to go through other cities in Denver and Washington, D. C., in pursuit of your business occupation and you show those things, those Gold Seals of the City of San Francisco and hope they bring you the same luck that we wish along with them. We have, Herman, put together a certificate of appreciation from the San Francisco Police Department and I will read it as follows: 'This certificate is issued to Police Commissioner Herman E. Gallegos. In deepest gratitude for performance of an outstanding service as a Police Commissioner in the City of San Francisco. Commissioner Gallegos' dedication to the Police Department and to the citizens of San Francisco is worthy of the highest esteem from the Police Department and the residence of the city.'"

Herman Gallegos: "Oh, it's beautiful. I am really touched by that. Thank you very much to each of you. I must say this is worth coming back for, but more than that, to come back and see you and I feel very proud to have been associated with the Commission and to the Chief and the Department and in some ways because it is such an outstanding Commission, it was easy for me to leave. I didn't feel I had to stay on. I felt it was all in good hands, too bad Dave (Commissioner Sanchez) I thought the reason why he wasn't here was because he may have been sitting in Reverend Hall's seat (formerly Commissioner James A. Hall) for two months. But nonetheless, good luck to you and thank you so much."

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the right to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfer of whatever rights, titles, or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFERORS</u>	<u>TRANSFEREES</u>	<u>NO. OF PERMITS</u>
Ralph Buck Chew Lu 4823 California St. San Francisco, Ca.	Five Star Cab Co. Inc. 4823 California Street San Francisco, Ca.	2
Frank Pasquini 1455 Felder Road Sonoma, Ca.	Donald J. Blane 20 Santa Mario Pacifica, Ca.	1

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

TRANSFER OF LIMOUSINE PERMIT - APPROVED

The matter of the transfer of the right to operate a Limousine by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a Limousine to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFEE</u>	<u>NO.OF PERMITS</u>
Lois Rasmussen 213 Indio Dr. South San Francisco, Ca.	Henry E. Rasmussen 213 Indio Dr. South San Francisco, Ca.	1

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NOT VOTING: Commissioner Sanchez

REQUESTING THE CIVIL SERVICE COMMISSION TO MAKE FIVE (5) NON-CIVIL SERVICE APPOINTMENTS OF POLICE OFFICERS (Q2) TO THE RANK OF ASSISTANT INSPECTOR (Q35) UNDER THE PROVISIONS OF CHARTER SECTION 8.332. - CONTINUED FOR ONE (1) WEEK.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: - Commissioner Sanchez

RECEIPT OF PROPOSED GENERAL ORDER REGARDING "RADIO RESPONSE PROCEDURES" FROM THE CHIEF OF POLICE. COPIES SENT TO EMPLOYEE ORGANIZATIONS. - AND - RECEIPT OF PROPOSED GENERAL ORDER REGARDING REVISION OF GENERAL ORDER A-1 (WRITTEN COMMUNICATIONS). COPIES SENT TO EMPLOYEE ORGANIZATIONS.

Chief Gain: "Mr. President, in regard to numbers 8 and 9, we are using a device to put these on the calendar so that we will have it on record and no action is required other than it is acknowledged that they have been received.

Commissioner Siggins: "Is there a record that they have been sent to the employee organizations?"

Chief Gain: "Yes, and that is stated on the agenda item itself."

Commissioner Murphy: "This then is a Meet and Confer item, I take it?"

Chief Gain: "If an employee association request within the 10 day period to Meet and Confer, yes."

RESOLUTION NO. 157-78

MICHAEL ALLEN WINN - CETA #1404, PERSONNEL AND TRAINING

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Michael Allen Winn, 1404 Clerk (C.E.T.A), Personnel and Training, as follows:

SPECIFICATION NO. 1

Unlawful taking of money and property, dangerous weapon used (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Clerk Michael Allen Winn, Personnel and Training, be, and the same is hereby set for Wednesday, April 12, 1978 at 5:30 pm., in Room 551, Hall of Justice.

AYES: Commissioners Clani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

RESOLUTION NO. 159-78

POLICE CADET JAMES T. MOORE, JR., BUREAU OF COMMUNICATIONS.

WHEREAS, on Friday, August 12, 1978, Clement De Amicis, Acting Chief of Police, made and served charges against Police Cadet James T. Moore, Jr., as follows:

SPECIFICATION NO. 1

Violation of Rule 2.13 (Bringing Discredit Upon the Department.)

and

WHEREAS, the following dates were set for the disciplinary hearings before the Police Commission for Police Cadet James T. Moore, Jr.; Bureau of Communications, who, upon each occasion, requested a continuance. Said dates were as follows:

Wednesday, August 17, 1977
Wednesday, August 31, 1977
Wednesday, September 21, 1977
Wednesday, November 9, 1977
Wednesday, December 14, 1977
Wednesday, February 8, 1978
Wednesday, March 8, 1978
Wednesday, March 22, 1978

and

WHEREAS, Chief of Police Charles R. Gain announced that the Police Department was in receipt of the resignation of Police Cadet James T. Moore, Jr., from the San Francisco Police Department; said letter of resignation was dated March 20, 1978, to become effective August 14, 1977, but was not received until March 29, 1978. This resignation was accepted with the condition that the services of Police Cadet James T. Moore, Jr., have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Cadet James T. Moore, Jr., be, and the same are hereby continued off calendar.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

HEARING OF ASSISTANT INSPECTOR THOMAS MAZZUCCO,
BUREAU OF INVESTIGATIONS.

The hearing of Assistant Inspector Thomas Mazzucco, Bureau of Investigations, was called, it having been set for this date. Assistant Inspector Thomas Mazzucco was charged with violating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Violation of Section 2.13 (Bringing Discredit Upon the Department.)

SPECIFICATION NO. 2

Violation of Section 2.13 (Neglect of Duty.)

and

WHEREAS, further charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Assistant Inspector Thomas Mazzucco, as follows:

SPECIFICATION NO. 1

Violation of Section 2.13 (Neglect of Duty.)

SPECIFICATION NO. 2

Violation of Section 2.45 (Failure to Obey a Lawful Order of Superior Officer.)

and

WHEREAS, further charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Assistant Inspector Thomas Mazzucco, as follows:

SPECIFICATION NO. 1

Violation of Rule 2.45 of the Rules and Procedures of the San

Francisco Police Department.
(Refusal to obey a lawful
and proper order of superior.)

in a properly verified complaint by Charles R. Gain,
Chief of Police.

Assistant Inspector Thomas Mazzucco appeared in person and was represented by Sergeant Michael S. Hebel, Attorney at Law.

Deputy Chief of Investigations, Clement D. DeAmicis, appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Sergeant Michael S. Hebel, Attorney at Law, entered, on behalf of his client, a plea of guilty to all Specifications, in all three sets of charges.

The following exhibits were entered into Evidence by the Prosecution:

Exhibit No. 1 - Report from Gerald Lutovich, M.D., dated February 10, 1978.

Exhibit No. 2 - Letter dated March 27, 1978, from Jean Worth Reyes of A. C.C.E.P.T. (Alcohol Counseling Center for Early & Preventative Training.)

Exhibit No. 3- Progress report on Sergeant Thomas Mazzucco, from John Devine, Special Assistant to the Chief, dated March 29, 1978.

Exhibit No. 4 - Letter from Charles R. Gain, Chief of Police, re pending Charges against Sgt. Thomas Mazzucco, dated March 22, 1978.

A statement was then made by Deputy Chief of Investigations, Clement D. DeAmicis, for the Prosecution.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 160-78

DECISION - HEARING OF ASSISTANT INSPECTOR THOMAS MAZZUCCO, BUREAU OF INVESTIGATIONS.

WHEREAS, on July 27, 1977, Charles R. Gain, Chief of Police, made and served charges against Assistant Inspector Thomas Mazzucco, as follows:

SPECIFICATION NO. 1

- a) That on or about June 6, 1977, the accused was on duty, assigned to the Warrant Bureau, and in the San Mateo County Jail for the purpose of picking up prisoners for transportation to San Francisco;
- b) That because of some unknown disability, the accused was unable to physically and emotionally control his actions, i.e., to wit: staggering, impairment of balance, loud, boisterous, and incoherent statements;
- c) That because of some unknown disability, the accused appeared to have defective time and distance perception, and while attempting to exit the premises of the San Mateo County Jail became caught in a mechanical metal gate that was in the process of closing while he attempted to exit.
- d) That the San Mateo County Sheriff's Office officially informed the San Francisco Police Department of the conduct of the accused in writing, relaying the activity of the accused on the premises of San Mateo County Jail, and stating in part:

"I formed the opinion at that time that he was either extremely intoxicated or very high on drugs."
- e) Because of the above stated conduct, the accused did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which is hereinafter set out in full.

SPECIFICATION II

- a) That paragraphs (a), (b), (c), and (d) of Specification I are incorporated herein and made part hereof as if each were fully restated in their entirety.

- (b) That upon arrival at the San Francisco City Prison, the accused did, without due care for the safety of his fellow officers and prisoners, while armed, place himself in such close proximity to persons in custody that his weapon could have been removed by a prisoner and used offensively against fellow officers or other prisoners.
- (c) That because of the above stated conduct, the accused did neglect his duty to exercise care when handling prisoners and to take all measures to protect his fellow officers and prisoners from potential danger and did by such conduct violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows, to wit:

"2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, on July 27, 1977, Charles R. Gain, Chief of Police, made and served further charges against Assistant Inspector Thomas Mazzucco, as follows:

SPECIFICATION NO.1

- a) That on or about July 12, 1977, the accused, assigned to the Pawnshop Detail of the Bureau of Investigations, was scheduled to work a tour of duty commencing at 0800 hours and terminating at 1600 hours;
- b) That approximately 1430 hours, the accused was observed leaving the detail and when questioned by his superior officer as to where he was going, the accused informed his superior officer

he was going home. The accused was ordered back to his assignment;

- c) That the accused's superior officer thereafter observed the actions of the accused and determined that the accused was under the influence of some form of intoxicant or was suffering from some condition which had an effect on the coordination, speech and balance of the accused. There was no presence of an odor of alcoholic beverage on or about the person of the accused.
- d) That because of the condition of the accused, he was unable to competently perform simple tasks of obtaining verification of seized items of property by entering the serial numbers of such items in the department computer.
- e) That because of the above stated conduct, the accused did neglect his duties and did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION II

- a) That each and every allegation of paragraphs (a), (b), (c), and (d), of Specification I be incorporated herein and made part hereof as if each were fully restated in this Specification II.
- b) That after the accused was observed by his superior officer, the Commanding Officer of the Property Crimes Division was summoned, informed of the conduct of the accused and took charge of the investigation.

- (c) That the Commanding Officer of the Property Crimes Division made an independent investigation observing the accused and reached the conclusion that the accused was under the influence of some form of intoxicant, or suffering from some condition which had an effect on the coordination, speech and balance of the accused.
- (e) That the accused was, at the direction of the Commanding Officer of the Property Crimes Division transported to a medical facility for the purpose of securing chemical tests to determine the presence of any form of intoxicant in the accused's system.
- (f) That on three separate occasions, while at the medical facility, the Commanding Officer of the Property Crimes Division directly ordered the accused to submit to the required chemical tests, and on each such occasion the accused refused.
- (g) That because of the above stated conduct, the accused did refuse a lawful and proper order of a superior officer and did violate Section 2.45 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.45 - Shall strictly obey and promptly execute the lawful orders of his superior officers. In case of conflict of orders from superior officers, he shall respectfully call the attention of the superior officer giving the last order to such conflict, should the latter not change his order it shall be obeyed and the member shall not be held responsible for disobedience of any former order in obeying said last order."

WHEREAS, on August 5, 1977, Charles R. Gain, Chief of Police, made and served further charges against Assistant Inspector Thomas Mazzucco, as follows:

SPECIFICATION NO. 1

- a) That on or about July 25, 1977, the accused demonstrated conduct which resulted in a determination of his commanding officer and his immediate superior that the accused was under the influence of drugs, to wit; slurred speech, impaired balance, staggering when walking and absence of any alcoholic beverage on or about his person;

- b) That the accused's commanding officer ordered the accused to submit to a chemical test which would prove or disprove the fact of the influence of drugs;
- c) That because of the above stated conduct the accused refused a lawful and proper order of a superior officer and thereby violated Section 2.45 of the Rules and Procedures of the San Francisco Police Department.

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 29, 1978, and that on Wednesday, March 29, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Assistant Inspector Thomas Mazzucco, Bureau of Investigations, as contained in Specifications No. 1 and No. 2, are sustained by the evidence presented at the hearing and that Assistant Inspector Thomas Mazzucco violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that further charges made and filed against Assistant Inspector Thomas Mazzucco, Bureau of Investigations, as contained in Specifications No. 1 and No. 2 are sustained by the evidence presented at the hearing and that Assistant Inspector Thomas Mazzucco violated Sections 2.13 and 2.45 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that further charges made and filed against Assistant Inspector Thomas Mazzucco, Bureau of Investigations, as contained in Specification No. 1 are sustained by the evidence presented at the hearing, and that Assistant Inspector Thomas Mazzucco violated Section 2.45 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Assistant Inspector Thomas Mazzucco has violated Specification No. 1, Section 2.13, and Specification No. 2, Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that Assistant Inspector Thomas Mazzucco has further violated Specification No. 1, Section 2.13 and Specification No. 2, Section 2.45, of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that Assistant Inspector Thomas Mazzucco has further violated Specification No. 1, Section 2.45 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that Assistant Inspector Thomas Mazzucco be terminated as a member of the San Francisco Police Department by the Commission. This termination will be suspended pending his successful completion of one calendar year probationary period. If he successfully completes this probationary period, his termination will be rescinded; and be it further

RESOLVED, that one calendar year probationary period will commence on March 29, 1978 and will have attached the following conditions:

- a.- He will continue attendance at ACCEPT on a twice weekly basis.
- b.- His peace officer status shall be returned immediately, his police identification card, police stars, and handcuffs shall be immediately returned to him;
- c.- He shall not carry armament nor shall his police weapon be returned to him;
- d.- At any time that a Department Supervisor reasonably believes that Sergeant/Assistant Inspector Mazzucco is under the influence of a drug, he shall submit to a chemical test for toxicology analysis;
- e.- He will remain assigned to the Youth Services Division working day watch, Hall of Justice duty.

The department shall continue its present commitment to a rehabilitation philosophy regarding this officer. His sensitivity to humiliation shall be respected.

Sergeant/Assistant Inspector Mazzucco was suspended from duty without pay, on July 27, 1977 through November 2, 1977, a period of 99 days. Consistent with the Commission's rehabilitation philosophy and past practices in alcohol abuse cases, a suspension of 30 days

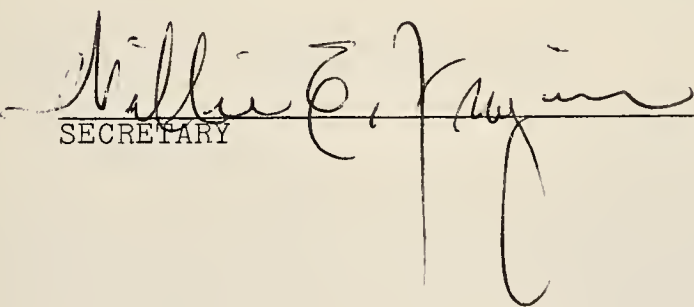
will be imposed for being guilty as charged on the first set of charges. Sergeant/Assistant Inspector Mazzucco shall have the remaining 66 days restored as follows: The 12 days during which he was hospitalized will be changed from "Suspended" to "Sick Leave with pay." The records covering the remaining working days will be changed from "Suspended" to "working."

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NOT VOTING: Commissioner Sanchez

(The entire proceedings were recorded on cassette tape.)

The Commission adjourned its meeting at 1925 hours.


SECRETARY

5 APRIL 1978

EXECUTIVE SESSION

Minutes
The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, April 5, 1978 at 1630 hours, in Executive Session.

PRESENT: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

Commissioner Siggins presiding.

JUL 8 1978

1. - Attorney-Client Conference.

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

5 APRIL 1978

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, April 5, 1978 at 1730 hours in Regular Session.

PRESENT: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

Commissioner Siggins presiding.

The members of the Commission and the Chief having received and returned amended copies of the minutes of the meetings of February 8, 1978, February 15, 1978, February 22, 1978, February 24, 1978, and March 1, 1978, reading of the minutes were dispensed with and the minutes were approved as amended.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President and members of the Commission, I have four items tonight. First, we submitted to the Commission three or four weeks ago a analysis of rapes for the month of February and last week we deferred the discussion. If any of the Commissioners would like to discuss that matter we have staff here who can respond to any question you may have in regard to that report."

Commissioner Ciani: "Perhaps, for the benefit of those who are here, a member of the staff could summarize the report."

Chief Gain: "Officer Paul Libert would you summarize the report?"

Officer Paul Libert: "Yes, it is a February analysis of the Citywide rapes and the report was divided into six (6) sections. The first section went into the trends and it compared February 78 to February 77, then we had a 14 month trend and a January 78 to February 78. The second section was temporal factors we had the most active date and the most active time. The third section was a geographic of rape showing areas in San Francisco where most of the rapes occurred and also the surroundings where rapes occur. The fourth section was a rape victim, race and age groupings. The fifth section was a suspect data, race and age groupings, and the sixth section was the nature of the offense, was the victim known, unknown, was alcohol involved, were other crimes involved and the weapon used. We also went into the first two months of 1978, January and February versus the first two months of 1977 and we went into suggestions for limiting victimization, streets, public transportation, in the auto, elevator safety, front door home and apartment dwellers. Now I understand some of the Commissioners had difficulty reading the Citywide Map on page 5 which showed the rapes. So for demonstration and visual purposes we have indicated February 78 Citywide Rapes on a much larger map. If you wish, we can pin it on the display board and we can go into it in a little detail."

Commissioner Murphy: "I have a question before then if I may, first I would like to say I think this is an excellent report. It is very professional and well done and thank you for doing it this way. Of the suspects arrested did you have or was there any evidence or were you able to determine whether they had committed more than one rape, if you believed they had committed more than one, were they more than suspect?"

Officer Paul Libert: "Yes, I can show that on the map if you wish. Now this is February 78 and rapes are indicated in red and we also have January, if you wish to see that. A rape with a red circle around it is an arrest made rape. The rape with a black circle around it is a rape where the suspect is known and has been identified. He is known to the police department."

Commissioner Ciani: "Has he been arrested if he is known?"

Officer Paul Libert: "Well, a warrant has been issued for his arrest."

Commissioner Murphy: "He may or may not be in custody, in other words, are you saying?"

Officer Paul Libert: "Yes, this in the black indicates he is not in custody but he is known to the police department and has been identified by the victim. And the rapes in red indicates an arrest has been made. In February we made 27 arrest and 7 were made by the Sex Crimes Detail and 19 were made by the uniform street persons, district station personnel. In the Crime Analysis Unit there are two types of patterns....that we try to identify, it's a geographic pattern and this is indicated by a tight group in a specific area and the analysis we used as an example are the rapes that were occurring during the fall at San Jose State University. Now those rapes, they were occurring at a specific geographic area and by increased patrol and a decoy operation the San Jose Police Department brought the situation under control and they arrested multiple suspects and as you can see the rapes here are fairly scattered throughout the city, we don't have a tight grouping. The other type of pattern would be a pattern that has a relationship other than geographic, something that is unique in similarity and we are presently involved in a longitudinal study of rape. We are trying to identify patterns over a time span rather than a geographic area and some of the individuals here like this individual that was arrested by the Alta Plaza Park was also responsible for these two rapes here in the Tenderloin."

Commissioner Murphy: "Oh, that's what I am interested in."

Commissioner Toler: "The force itself, is it beefed up, do you have more officers now in the detail?"

Officer Paul Libert: "Well, there is one specific area that we are concentrating in and that is the Alta Plaza Park in the Pacific Heights area, the papers have identified the individual as the pillow-slip rapist. Now the Sex Crimes Detail....."

Commissioner Murphy: "That's within four blocks of my house."

Commissioner Ciani: "If you see a man walking around with a pillowcase you better be careful."

Officer Paul Libert: "The Sex Crimes Detail has focused on this particular individual and there is a cooperative understanding between the district stations and uniformed personnel and the Sex Crimes Detail Inspectors. Now a stakeout area has been established and this area received special attention. Plainclothes officers in unmarked cars are patrolling the area in evening and early morning hours."

Commissioner Ciani: "Are you using decoys in that area?"

Ray Galvan: "The problem Commissioner on the decoys is that these are always inside of houses. The pattern he has, I think, it is about 12 rapes over about 15 months. In terms of February it was one, in terms of January it was one, and he hit one more which we are fairly certain that he did in March. But these are all break-ins, it is not the sort of thing that you can use a decoy for in terms of a rape somebody pulled off the street or somebody on the street."

Commissioner Murphy: "In other words he breaks into the apartment or house and rapes the woman."

Ray Galvan: "And rapes her with the pillowcase."

Commissioner Toler: "Is there a certain time of day that this happens?"

Officer Paul Libert: "During the late evening hours or early morning hours and usually his method of operation is he gets into the apartment after the victim is asleep and always gags and blindfolds the victims. Now we are talking about 12 rapes that are known to the San Francisco Police Department. None of these victims would be able to identify him because they have never seen his face. There is a composite description that we have and another measure that the street crime detail is taking in that they are sending Inspectors into this area and they are going door to door establishing contacts, developing leads and informing the people in the neighborhoods of preventive measures to take. In February the rapist struck right here on Washington Street. Washington between Broderick and Divisadero. One other thing that he does is that all of the victims reside in Victorian multiple-type swelling houses. They are all single professional-type women."

Commissioner Ciani: "So it sounds like he spots his victim pretty carefully before....."

Officer Paul Libert: "He studies up, he knows their habits, when they come home and sometimes he is waiting for them when they come home. Other times they are home and they have gone to bed and he attacks them in bed. But on our longitudinal-type study over two months we can develop....this rapist he was picked up in our study we started in October and we have quite a lot of data to pick him up with but we knew we had a time when he was operating in the area. We also did a study in January of 1978 and this is our study for February."

Commissioner Ciani: "Do you have any way of knowing whether there is a change in attitude of women about reporting rapes, I would think with all of the publicity that you have been hearing encouraging women to report rapes that perhaps the increase that we see in this analysis might, in part, be explained by an increase in reporting. Do you have any comment on that?"

Officer Paul Libert: "I would say that that would be the case where they are reporting more. They apparently think that the police department will concentrate on apprehending the suspect and they are willing to testify if the suspect is apprehended and I know they have various civic organizations that council the victim and they advise her to report it and the only way this will stop is if he was just apprehended. Now in 1977 there were 36 law enforcement agencies in the state with a population of 100,000 or more to report data to the Bureau of Criminal Statistics. And rape went up compared to 1976, 11.6% throughout the state. In San Francisco it went down 3.4%. So rape is down in San Francisco compared to other areas in the state."

Commissioner Ciani: "You don't classify attacks between husband and wife as rape do you, or do you ever?"

Officer Paul Libert: "No. A suspect husband can not be classified as a rapist if he attacks his wife."

Commissioner Murphy: "It would be battery."

Officer Paul Libert: "Yes, felony wife beating or something like that."

Chief Gain: "May I comment, Commissioners, on this matter of whether we have an actual increase in rapes or increase in reporting. I am convinced that what we have is an increased reporting factor. I have talked with representatives of Queens Bench who are very involved in this. They feel too, that what has happened is that more and more women are reporting rapes. So it is not an actual increase but a very good paper increase, that is, we want the reports that we are going to do something about it through police efforts, through education or whatever it may be. So we are convinced that we have a greater reporting factor and that actually we don't have, in San Francisco, a crime wave when it comes to forcible rape."

Commissioner Ciani: "So, ironically, we should be somewhat encouraged by higher statistics."

Chief Gain: "Absolutely, what is desired is to have every forcible rape reported, and as we've long said, it's our feeling that that has been one of the greatest un-reported crimes so that the more the reported factor squares with the actual rape factor the better off we are."

Commissioner Ciani: "I am concerned about the Project SAFE information on how to protect yourself against rape. That's one good way to disseminate it, but are there any media campaigns that we could use to supplement the efforts of Project SAFE? Does Project SAFE include any media work on these methods of prevention?"

Chief Gain: "As of yet there hasn't been any specific media work on rape, but we have had it in the newspapers, for example."

Ray Galvan: "This was a news release."

Chief Gain: "The Progress I think, the Examiner, and the Crime Resistance Task Force."

Commissioner Ciani: "You mean they have these suggestions.....?"

Chief Gain: "Not all of those suggestions, but they had a great number of them."

Commissioner Ciani: "Are they printed in a pamphlet form?"

Officer Paul Libert: "Yes, I have a copy of the Examiner News release regarding the February analysis if you want it."

Commissioner Ciani: "I think I have that. But is there a pamphlet that essentially includes all of this information that Project SAFE distributes?"

Officer Paul Libert: "Yes there is."

Commissioner Ciani: "Is the weather a factor? That's one thing that isn't referred to here."

Officer Paul Libert: "We didn't go into weather, we went into day, time of day and things like that."

Commissioner Ciani: "And what percentage are indoors or outdoors?"

Commissioner Murphy: "Oh, that was very clear."

Officer Paul Libert: "Approximately 70% of the February forcible rapes occurred inside."

Commissioner Toler: "What day or days of the week that this seems to mostly happen?"

Commissioner Murphy: "Wednesday."

Officer Paul Libert: "In February, 26 to 29% or 14 of the 52 reported rapes occurred on a Wednesday. In January 25% occurred on a Saturday, so it was....."

Commisisoner Murphy: "I thought it was interesting that switch from Saturday, I was going to say....."

Commissioner Ciani: "That is why I thought the weather might be a factor because it was a rainy season and maybe that would affect it."

Commissioner Murphy: "It could be that January and February were both rainy, I don't know."

Officer Paul Libert: "One thing I would like to bring out is that we use the guidelines set forth by the FBI Uniform Crime Reporting and they classify an assault to commit rape or attempted rape as a forcible rape. And in February of 78 out of the 55 rapes 32 were forcible and 23 were attempts or assaults to commit rape. So we still classify those as forcible rapes although quite a few were just attempted rapes."

Commissioner Murphy: "In other words, they didn't succeed."

Officer Paul Libert: "We have had instances where a woman was walking in the Sutro Forrest area and some man came out of the bushes and says I am going to rape you. She was young and she had it together and she didn't panic and she said well, I am not going to pay any attention to you and she kept walking and he said aren't you scared and she said no I am not. And she reported it and we classified it as a rape because he said he was going to rape her and according to FBI UCR Standards we have to. So quite a few were attempts for assault to commit rape."

Chief Gain: "If I may, and I am not being critical, that last example should not have been so classified, I don't think, as an attempted rape. Because we have to have an assault coupled with a present ability and not words alone. I am not criticizing you, it is just a matter of the definition of the UCR Mr. Galvan."

Ray Galvan: "We work with the UCR Classifications established by the Department, we don't make the UCR Classifications, they classified it that way so we have to live with it."

Chief Gain: "Well un-live with it, we will take that up.....You see if we have a situation, I am not criticizing you at all, this is a matter of definitions under UCR. If we have a situation where a man makes a statement that he is going to rape a woman and it stops with that, we are going to have a 50% increase I am afraid."

Offcier Paul Libert: "That was an isolated case."

Commissioner Siggins: "That is kind of questionable there, it is considered an assault to rape."

Commissioner Ciani: Well, threatening behavior might be an assault....."

Chief Gain: "it would be an assault, you have to have an overt act....."

Commissioner Ciani: "But jumping out of the bushes could be a sufficient overt act, could it not?"

Chief Gain: "Well, I didn't want to belabor it, I just wanted to....."

Commissioner Siggins: "That one - I - that could be questionable. Judge Ruffin?"

Ray Galvan: "Let me say, rape is one of the more difficult ones to deal with in this context because there are the problems of what is a real threat and what is just a verbal threat, what was the action, this is something we are working on in the system."

Chief Gain: :I would like to comment to you also, that we called back two years ago when we first started to look at crime in San Francisco, we stated then that eventually we would develop a more sophisticated crime analysis effort. And as the Commission is aware, our present crime analysis function resulted from a federal grant. And here is an example now of the more sophisticated information that we can develop into patterns. And we will be giving to the Commission each month, a report on the significant crimes such as this one. So when it comes to rape, we will keep tracking that and we will have an in-depth report for March and

we will also do that in time in regard to other crime so we will be much more aware of what's happening and where it's happening and how it's, you know, and who's involved so that as far as educating citizens we can make efforts to do that, deployment of police personnel to make apprehensions and to prevent. So Officer Libert has been one who has received training and become very sophisticated and this whole effort was taking place under Ray Galvan with the ICAP grant."

Commissioner Ciani: "I know when I have considered this subject in the past, one of the major factors in encouraging reporting is the existence of sympathetic treatment by the police and by other agencies that come in and help a woman at that time. Could you, in your report, just give us an overview of what the procedures are and how these other agencies are brought in, at what time and what is actually done with a rape victim from the time the police get to the scene? Thank you, very good work."

Commissioner Siggins: "Thanks Inspector."

Commissioner Murphy: "Thank you, all of you."

Chief Gain: "The second part of my report has to do with crime for the month of March as compared to March 1977, and also year to date and what is reflected, comparing March of this year to March of last year, is overall a decrease of 12.3% in serious crime, however, a month to month comparison we have an increase in homicide and then again an increase in rape, increase in robbery, increase in aggravated assault, with decreased in property crimes of burglary, larceny, and motor vehicle theft. For year to date, we have a 12.4% decrease for the first two months. Rape shows an increase of 26% and robbery is increased 3.1%. For homicide and aggravated assault a decrease, burglary and the other property crimes also has decreased. So this is our preliminary report on crime."

Commissioner Siggins: "You've got auto theft down for this month."

Chief Gain: "Yes, all of the property crimes are down. It's the crimes against the person that are up. Have you any questions on that report? We will be giving the Commission, and of course, disseminating to the public, a more detailed monthly crime summary in approximately a week or a week and a half."

My last reporting matter Mr. President, and members of the Commission, which I understand is a request of the Commission that there be a report from staff and then discussion at the pleasure of the Commission with regard to a letter written by Mr. Robert Gnaizda of Public Advocates Inc., to Mayor Moscone

dated April 3rd under the subject title of "Moscone Commission on Racism in the police department," and is it your pleasure to discuss that?"

Commissioner Murphy: "Yes."

Chief Gain: "If I may then, I would like to briefly review Mr. Gnaizda's letter, the declaration that was made by a member of the police department and then to do some reporting. First of all, as regards Mr. Gnaizda's letter, he opens up with the emphatic, but very inaccurate statement....."

Commissioner Siggins: "Just a second, just a second, Chief, the declarant was here a minute ago, did he have to leave?"

Officer Will Battle: "Yes, he had to leave but the request that he made to the Commission and the Chief is that I don't know at what point on the agenda I gather it is going to be this point or maybe at the conclusion of the calendar items and he would like to address the Commission and the Chief regarding this."

Chief gain: "Can we defer this until he returns?"

Commissioner Siggins: "Yes, let's wait until he gets back."

Chief Gain: "I actually had no intention of using the declarants name, but I wanted him here. Alright, if we could defer it then that will complete my report at this time, Mr. President."

Commissioner Siggins: "You said you had four items Chief?"

Chief Gain: "Well, three, three items."

Commissioner Siggins: "OK then, let's take the next item."

REQUESTING PERMISSION OF THE POLICE COMMISSION TO
MAKE FIVE (5) NON-CIVIL SERVICE APPOINTMENTS OF
POLICE OFFICERS (Q2) TO THE RANK OF ASSISTANT
INSPECTOR (Q35) UNDER THE PROVISIONS OF CHARTER
SECTION 8.332 - (CONTINUED FROM MEETING OF MARCH

29, 1978) - CONTINUED FOR ONE (1) WEEK.

Chief Gain: "Mr. President, members of the Commission, I would request that we continue that for one more week."

Commissioner Siggins: "OK, you still have 39 vacancies though?"

Chief Gain: "Yes."

Commissioner Siggins: "OK, next item."

REQUESTING PERMISSION OF THE POLICE COMMISSION TO MAKE TWO (2) NON-CIVIL SERVICE APPOINTMENTS TO THE RANK OF LIEUTENANT, UNDER THE PROVISIONS OF CHARTER SECTION 3.501. THE DURATION OF THE APPOINTMENTS NOT TO EXCEED 130 WORKING DAYS.

Chief Gain: "I request the Commission act favorably upon item #6, we now have a vacancy factor of some 12 Lieutenants and I want your approval to make two non-civil service appointments. Both of the appointees are white, I mention that because in previous request for Lieutenants I have mentioned the race. The basis for the appointments of these particular individuals is their demonstrated performance experience and potential to fulfill the requirements of the positions to which I intend to assign them which positions are as Lieutenants in our Patrol Division. These individuals happen to be and just happen to be the most two senior sergeants."

Commissioner Siggins: "They have experience and potential, I assume."

Chief Gain: "Yes, the basis for my wanting to appoint them, and get your approval therefor, is experience, demonstrated performance and the ability to fulfill the requirements of the job to which I intend to appoint them and I only mentioned that they happened to be senior that is only coincidental, that is not a factor at all in these particular persons."

Commissioner Toler: "How are they chosen other than far as years of experience or is there a list of persons that you would choose from or just single out two people for these jobs?"

Chief Gain: "Right now we have no Civil Service list at all for the rank of lieutenant and do not anticipate we will have such a list for a considerable period of time. What we do then, we have 12

vacancies and all, if not most, of those vacancies are in our patrol function so that the two individuals that I want to appoint do have considerable experience in patrol operations and, too, based upon demonstrated performance certainly have demonstrated the ability to do the job and certainly can fulfill the requirements of the patrol lieutenant's job so that was the basis for it. These will be patrol lieutenant assignments. In the future I will be asking the Commission to approve appointments for positions other than patrol and again each time it will be based upon experience, demonstrated performance and the ability to fulfill a particular job, and we could then drastically depart from the most senior sergeant."

Commissioner Ciani: "I move that we approve the request contained in the Chief's letter of March 31st."

Commissioner Siggins: "Approval giving the Chief of Police to make two (2) Non-Civil Service appointments to the rank of Lieutenant, under the provisions of Charter Section 3.501."

Commissioner Murphy: "I second it."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 167-78

AUTHORIZING THE CHIEF OF POLICE TO MAKE TWO (2) NON-CIVIL SERVICE APPOINTMENTS (CHARTER SECTION 3.501) TO THE RANK OF LIEUTENANT (Q60).

RESOLVED, that pursuant to Charter Section 3.501, the Police Commission of the City and County of San Francisco hereby approves the intended action of the Chief of Police to make two (2) non-civil service appointments (Charter Section 8.332) to the rank of Lieutenant (Q60).

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

SETTING OF DATE FOR PUBLIC HEARING ON THE SAN FRANCISCO POLICE DEPARTMENT'S DECOY PROGRAM.

Chief Gain: "If I may Mr. President, members of the Commission, Mr. Riordan has stated that on a reasonable period of time before the 18th he will be sub-

mitting to the Commission some written material as I recall stating their position and they will speak to that material during the Hearing date and, of course, staff will be prepared to respond appropriately and present our position as regards to the definite worthwhileness of the decoy program."

Commisisoner Ciani: "Have we had letters from other members of the public about the decoy program and if so, should those people be notified of these hearings?"

Chief Gain: "I can't recall now receiving letters other than from Mr. Riordan, we may have, we can search and find out."

Commissioner Ciani: "I think I have seen some, there were some in the past about the time the newspaper....."

Sergeant Frazier: "There will be an ad in the newspaper giving notification to the public that there is a public hearing to be held on the 19th in that regard."

PUBLIC HEARING RELATIVE TO THE DEPARTMENT STAFF
PROPOSED MISDEMEANOR CITATION PROCEDURES.

Chief Gain: "Mr. President, sometime ago the department gave copies to employee organizations and we had not received any opposition from employee organizations and we were prepared for the discussion tonight, however, there is one factor, we did receive a letter from Mary Vail two days ago last week and she referred to an attached Attorney General's Opinion. I did not get that until today, and frankly, I haven't had time with staff to analyze that opinion in conjunction with the content of our misdemeanor citation program. And also, we have a letter dated April 4th from Mr. Rutland of the Bar Association and we have just received that and both take exception to some of the provisions of our misdemeanor citations order that we have. I don't know if the Commission itself has had time to review this material. It may be if it is agreeable that this be deferred for one week until we have time with others to digest this."

Commisisoner Ciani: "I don't see any members of the Bar Association in attendance."

Commissioner Siggins: "Mr. Ruffin is here. I had pointed out to Mr. Ruffin that we had had an earlier meeting with counsel in connection with another matter and so we got started late that some of the Commissioners had pointed out to me that they were going to have to leave the meeting earlier and I asked Mr. Ruffin if it is alright if we put that over for one week and he agreed. Mary Vail is not here right now."

(To Mr. Ruffin) Do we want to hear something tonight or would you just as soon put it over for one week?"

Mr. Ruffin: "Well, on behalf of the Bar Association, I am content to go over one week to give the Commission time to study it."

Chief Gain: "What I want to do is get together with the Bar Association and other representatives to talk about the points and then see if we can reconcile them before coming before the Commission."

Mike Hennessy: "My name is Mike Hennessy, I am on the Board of Directors of the Barristers Club."

Commissioner Siggins: "O.K. Mike, is that okay with you? Alright, were you here on the Citation Release too? Do you want to say something as well?"

Naneen Karaker:. "I can come back later."

Commissioner Siggins: "Did you have anything that you want to submit before then?"

Naneen Karaker: "Yes." (present documents - Reviews on Misdemeanor Citation Procedure)

Commissioner Sánchez: "Mr. Chairman, does this mean that both parties will meet with the Chief and discuss this matter and then bring it back to us at the next meeting? So at the next meeting therefore, the Chief will have had a chance to review the letters and have had an opportunity to discuss with....."

Chief Gain: "We will try to arrange a meeting for Friday."

Commissioner Sanchez: "Okay, fine, and then this way we can vote at the next meeting."

RESOLUTION NO. 168-78

HEARING OF MUNI TRANSIT SECURITY OFFICER GROVER FORD.

WHEREAS, the hearing of Muni Transit Security Officer Grover Ford was called, it having been set for

this date; and

WHEREAS, Muni Transit Security Officer Grover Ford has requested that a date for the hearing be set after the criminal proceedings have been disposed of in this matter; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Muni Transit Security Officer Grover Ford, be, and the same is hereby approved and continued to Wednesday, April 26, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 169-78

HEARING OF POLICE OFFICER MICHAEL MORRIS, PARK POLICE STATION

WHEREAS, the hearing of Police Officer Michael Morris, Park Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. George J. Engler, Attorney at Law, that the hearing for Police Officer Michael Morris be continued to Wednesday, April 26, 1978; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael Morris is set for Wednesday, April 26, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 170-78

POLICE OFFICER DAVID RIOS, SOUTHERN POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer David Rios, Southern Police Station, as follows:

SPECIFICATION NO. 1

Conduct Which Reflects Discredit
Upon the Police Department. (Viola-
tion of Section 2.13 of the Rules
and Procedures of the San Francisco
Police Department)

SPECIFICATION NO. 2

Drawing a Firearm on Public. (Viola-
tion of Section 14.07 of the Rules
and Procedures of the San Francisco
Police Department)

by Charles R. Gain, Chief of Police; therefore be
it

RESOLVED, that the hearing before the
Police Commission on charges filed against Police
Officer David Rios, Southern Police Station, be,
and the same is hereby set for Wednesday, April
12, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

Chief Gain: "Mr. President, members of the Commis-
sion, Deputy Chief DeAmicis went out to try to
phone Inspector Saunders and he may be coming
shortly, but while we are waiting if we may, will
you turn to the correspondence, I think there is an
item in our correspondence number 8, a letter from
the San Francisco Police Officers' Association, that
should be addressed as a matter of record. In a
letter dated March 27th from the Police Officers'
Association, signed by Mr. Crowley, he makes reference
to the budget matter of the 122 sworn personnel positions
that we have in mind converting to civilian positions
and he makes a statement that we have produced no evi-
dence demonstrating the positions involved does not in-
clude sworn officers responsibility and ends up with
a statement that, 'our previous meetings with the
Commission were incomplete,' and they request a Meet
and Confer on these matters. I would submit to the
Commission that we had an extensive meeting with
the Police Officers' Association on Thursday, Jan-
uary 19, 1978 and the record will show that that
meeting was five (5) hours long and it was a detailed
discussion about the personnel conversion and we dis-
cussed that thoroughly and the only thing remaining
would be any changes reflected in the line item budget
that were not in regard to those positions. And con-
sequent to that letter, in a letter dated January

25th, signed by Mr. Crowley, he stated, 'this association feels that the Meet and Confer session on the Police Budget was useful and profitable with both the Police Officers' Association and the Department as well as the citizens of San Francisco. We have as of this date, not received a finalized copy of the line item police department budget and understand that there may be some changes which occurred as an outgrowth of our 1st Meet and Confer session.' The point being that they state in this letter that we have before us that those meetings were incomplete as a matter of fact they were not, they were five (5) hours long and we discussed everything thoroughly. We have submitted our budget and it is now being entertained by the Mayor's Office and will, approximately, mid April, go to the.... From the Mayor's Office to the Board. I would submit to the Commission therefore....."

Commissioner Siggins: "My recollection is that we discussed it on two occasions and that they gave a list of objections and they were answered by the Department. We went over those in detail."

Chief Gain: "In a word, there were thorough Meet and Confer sessions and there is no need now, in fact, whatever, for a further Meet and Confer session. The points made in their letter are not well taken, we should not, in my judgment, and I so recommend to the Commission, engage in any further Meet and Confer sessions with the Police Officers' Association. I would suggest any views that they may have then they should present those in writing and certainly whatever they would present in writing, entertain."

Commissioner Murphy: "Would it be appropriate for you to write an answer pointing out these facts, because I recall very clearly that the one session President Siggins and I attended, I think we were the only ones there, I said to them, having completed the discussion are you willing and are you going to help us support this budget request with the Mayor, the Finance Committee, and the Board of Supervisors, and Mr. Crowley said, 'well, I will help support those things that I am in favor of.' Well, that is better than not supporting any of it, but I do think we ought to point this out in writing to them."

Chief Gain: "If the Commission will so direct, then certainly, we will do that."

Commissioner Ciani: "It may be appropriate for the President of the Commission to respond to the letter since it was addressed to him."

Chief Gain: "We will prepare a response for President Siggins' signature."

Commissioner Murphy: "Well, that's what I meant, prepare it for the Commission, of course."

Commissioner Siggins: "Okay, they also asked in a letter of March 29, 1978, for a Meet and Confer session regarding proposed revision of the radio response procedures in General Order A-1, have you seen that?"

Chief Gain: "Yes and I would recommend if we can that we set a Meet and Confer session, if the POA is agreeable, for next Monday or Tuesday night because these are urgent matters."

Commissioner Siggins: "Yes, they are urgent. But once again, you know we have asked before that they give us, you know, something in writing so that we can study it in advance because other than that, we just go through it and we don't make really that much progress or we delay the meeting by having to listen to objections that they haven't even formulated themselves."

Commissioner Toler: "Mr. President, I would like to so move that you have someone write the Police"

Commissioner Ciani: "That's part of the established policy that we promulgated to the POA in a letter written two years ago."

Chief Gain: "May I comment that such a policy stance I think is warranted and wise, however, it is not going to be productive because, based on past experience, they will not respond in writing. Consequently, that will bottle up our being able to implement any needed policy. I think we should make a request again, it's most reasonable. I might also suggest that Meet and Confer sessions with the POA the first ones be scheduled for Wednesday night so let that be the first session of our regular meeting night and then if it is already going to be 10 minutes long or whatever, at least the Commission has not suffered having to take Monday or Tuesday night."

Commissioner Ciani: "For next Wednesday, can we schedule.....?"

Chief Gain: "Well, we have to make sure the POA agrees with that, if they are, we will so schedule it."

Commissioner Siggins: "Let's make the offer."

Commissioner Murphy: "You mean prior to, of course, we may have another conference also prior to, Executive Session."

Chief Gain: "Well, I was suggesting following our regular meeting or whatever amiable time it would be with POA representatives."

Commissioner Siggins: "Any other correspondence here you want to discuss?"

Commissioner Ciani: "I would like to mention something for the benefit of the other Commissioners. I was asked by SPUR to give a report on the POST report and the progress made to date in implementing the recommendations of POST. Raymond Galvan wrote a speech which was the basis of my remarks to SPUR and it was very useful I think if it could be put in terms of a report, the other Commissioners could benefit from knowing where we stand vis a vis POST. So I would ask the Chief to have the speech put in the form of a report to the Commission."

Commissioner Murphy: "I think this is very interesting because I didn't think we ever really discussed or said what we had decided on in much of the POST report. I have gotten all sorts of letters for example, protesting doing away with the Mounted Police for example, and so on, and I have answered each one of them by saying, we have made no decisions on this yet. I didn't know we had made any decisions."

Commissioner Ciani: "Well, a lot of the procedural and administrative suggestions have been implemented."

Commissioner Murphy: "I would like to know about these procedural and administrative changes that have been made."

Chief Gain: "We will give you a status report. We have implemented those recommendations that were within my purview to do that were not policy matters. The Mounted Unit for example, would be a Police Commission policy matter for your shaping. So we haven't done anything. We will give you a status report on what recommendations we have implemented."

Commissioner Murphy: "Well that's good, because obviously there have been things that we wouldn't be concerned with, particularly, one way or the other. But I would like to see the material prepared for the speech since I was just sort of shocked that really some decisions had been made by the Department without my knowing about them."

Chief Gain: "Oh, absolutely not, we make no decisions when it's a policy matter. That's the Commission's responsibility."

Commissioner Murphy: "Thank you."

Chief Gain: "If I may, Mr. President, members of the Commission, Inspector Saunders had to go out on a Homicide assignment and he may not return and I really want him present when we discuss this matter. I anticipated he would remain and he had to go. I request therefore, that we defer this discussion."

Commissioner Ciani: "Until when?"

Chief Gain: "Next week. If there is some compelling part about it that we can talk about, I would like to comment, for example, which has to do with Inspector Saunders that I feel it was a highly irresponsibility on the part of Mr. Gnaizda to use the tactic he did in writing this letter. What Mr. Gnaizda has demonstrated by this act, and he has demonstrated it before, is that he grandstands. If he wanted to, as a matter of evidence, bring something before the court, then it should have been done by appropriate motion or at the time of trial. And what he has chosen to do here, which I think is highly counter-productive, is to indict the Police Department and malign the Chief of Police. He states here that there is not law and order, and states for example, 'not an officer in your police department,' addressing this to the Mayor, 'including the Chief, has had the courage to take any action and that's in regard to certain photographs that were, in fact, in the homicide detail.' Well, that's simply not factual that we have not taken action. And then he states in another part of this letter, that in regards to need for the Commission the subject of the letter, 'The need for this Commission is obvious. As you are aware your Police Chief has been unable or unwilling to effectively investigate any of the acts of racism that have occurred over the past 12 months.' And that simply is not a factual statement. So I would certainly want to characterize my feelings about the letter, to say the least. And this grandstanding is unethical and unprincipled....."

Commissioner Toler: "Chief, what appropriate action has been taken by you regarding these matters?"

Chief Gain: "What happened is this, when I learned of the letter and the photographs, Chief DeAmicis came to my office with the photographs."

Commissioner Murphy: "Who took the photographs?"

Chief Gain: "It is what they call a collage and this was on a homicide detail bulletin board. Not on an official bulletin board but on a bulletin board. And as you can see, (showing the collage to the Commission), it depicts persons and these happen to be cutouts from mug shots which in itself is not appropriate. But the history behind this, and this has no reference to Inspector Saunders, the history behind it is this, that in the latter part of 1976, since 1977, an Inspector told me as a matter of kidding co-workers, they got together. This particular Inspector put this together, and as you can see the captions underneath name some individuals and most of those individuals are Inspectors. So as the Inspector said to me, the intent was one of humor that resulted in joking and laughing and some degree of esprit de corp among co-workers and that Inspector stated that there was no intent whatever to place anything on there for the purpose of maligning individuals based upon race or other considerations. I believe that Inspector absolutely being truthful in making that statement. It was also stated that there were one or more black Inspectors at the time, who, when this went up, was being put together, laughed about it and joked about it and the particular Inspector who put it together informed me that he thought it was accepted by persons regardless of their race. Now that has remained on that bulletin board for about a year and a half. It had been there so long that finally a coat rack was placed in front of it and so on. Now my own feelings are is that that is a disgusting bunch of photographs to have on a bulletin board. It would be absolutely ipso-facto demeaning, certainly, I feel to some black Inspectors, and certainly to citizens who would walk in and see that. Because of some of the captions it would be very offensive to them. So the intent may have been one thing but the effects certainly was something else. So it has been taken down."

Commissioner Murphy: "It doesn't look very accidental the number of black and obviously....."

Commissioner Ciani: "Well, is this the entire collage? Oh, it is the whole thing?"

Chief Gain: "This is it as far as the homicide detail is concerned."

Commissioner Sanchez: "Can you tell us if there is a policy, or if there is an official policy, which is in operation for posting any material on either an official board or any place, basically under our jurisdiction? I mean as an example, in schools throughout the city or at the hospital or whatever, or anywhere, there has to be approval or a stamp is put on anything that is put on the board and there usually is a time frame as far as how long that could be regardless. But there is a system that is operational. Is there such a system right now within this department, and if not, will there be a recommendation from you, administration, as to, there will be....."

Chief Gain: "There will be. We do not now have explicit regulations governing usage of bulletin boards and I think now about a year ago or more, we did have....we started some Meet and Confer sessions with one employee association in regard to that, to Associations use of bulletin boards. We are now working on an order which would be very explicit as in regards as to what can be put on bulletin boards. Approval must be obtained, and things of that nature. For your information an order was issued today by Deputy Chief Taylor as regards to District Stations that every day the captains of District Stations will inspect bulletin boards. And I will be issuing those orders to cover the rest of the Police Department also, to make sure that matters of this nature do not go up. I might comment that a captain in the Inspectors Bureau and a lieutenant in the Inspectors Bureau that I talked with when I learned about this and had it at my desk, I talked with or got a memo from, were not aware of that collage and others were not aware of it, and I want to point that out. What it amounts to is I think they saw it but they didn't perceive what they were looking at. They just simply, I don't think, perceived what was on that and how derogatory that would be to certain individuals. It offended me when I saw it. The point being that a lot of persons can see things like that and they do not know what a demeaning thing it can be for people to look at it."

Commissioner Toler: "Chief, you said that you were unaware of it. Could you maybe explain that to me as far as being unaware that this was in existence?"

Chief Gain: "Well, my understanding of the location of that in the homicide detail that it was there to be seen and anyone who had to walk past it really couldn't miss it. Now Deputy Chief De Amicis can perhaps expand upon that more. I concluded that what it amounted to that even though persons passed there it was on the bulletin board, they didn't see it. That is, it was there, they looked at it, but they didn't perceive what it was, in fact, the captions, and did not analyze the racial connotations and that can happen with certain individuals we know. I don't think anyone that looked at that other than perhaps black police persons gave it the significance and knew how wrong it was to have it up there, and how demeaning it was. That is the conclusion I drew. I have talked to many people since this and I have spent hours on this."

Commissioner Toler: "Has anyone complained about this before?"

Chief Gain: "No. The first complaint that the Police Department received was last Wednesday and that was from someone outside the Department and that was the first one. I want to emphasize this that there was an assumption, these are my conclusions from conversation, that there was an assumption on the part of the Inspector and other Inspectors who

contributed to this that one or more black Inspectors who it was said laughed when it was first put up. this is kind of a co-worker thing, felt that those black Inspectors were not offended by it. Based upon my conversation I felt, in fact, that those black Inspectors and perhaps others were, in fact, offended by it and that what we were dealing with then and even now as far as its retention, was the historical factor at times of minority group persons taking exception but when being asked if does that offend you they say no. That's not though what they feel inside. So I think that that has been something that has been demeaning to minority group persons in this Police Department and certainly if it has been in a location presumably where citizens can see it....."

Commissioner Siggins: "Well, let's get this straight. It's not an official bulletin board. It's a board that people have access to that if anybody wanted to take it down they could have taken it down, isn't that correct?"

Chief Gain: "Yes, anybody could have taken it down."

Commissioner Sanchez: "But the board was visible and was right within a unit under the jurisdiction of this Commission, correct?"

Chief Gain: "That's right."

Commissioner Sanchez: "I mean that's what we are talking about."

Chief Gain: "It was placed on a bulletin board, not one where we put general orders and things of that nature on, that bulletin board is one where they put advertisements and things for sale and whatever it may be. Again, I want to point out that I am convinced that the Inspector who put it up and other Inspectors who contributed to it did so with the intent, in fact, no maliciousness, but rather to kid co-workers and that's why they put it up, and to this day I am convinced from talking with the Inspector that they did not realize at all the adverse effect of having it up there. They did not feel at all that anyone was offended by it specifically minority group persons who worked there."

Commissioner Siggins: "Then the author of the letter that we are running to the Mayor with the complaint, gave us the indication from reading the letter that these things were just put up and we are talking about something that has been up for....."

Chief Gain: "Since the fall of 1976 or early 1977. I would have to say that it certainly doesn't speak well for the San Francisco Police Department, including the Chief of Police, that being up there that length of time. It so happens that I am a floor removed, but I would say this as far as subordinate personnel of mine down to the rank of Lieutenant, that they should have perceived what was there and that should have been taken down. So the intent is one thing, the effect is another. There is no question in my mind that for whatever reason, persons did take exceptions to it, and minority group police persons in my conclusion, and did not take it down themselves for some very historical reasons."

Commissioner Siggins: "Well, I think Chief that if somebody has a complaint like this they can go through the Department and don't have to go running to the Mayor and sensationalize the thing as if it was just put up over the weekend and secondly, file some affidavit declaring it's not here. But as a lawyer that affidavit was....."

Chief Gain: "May I comment? I have really no criticism of the declarant in this case because I think that he is not the one that initiated that....."

Commissioner Siggins: "No, I think it's the lawyer's creative writing, that declaration, and I just don't see any weight any court would give to that type of thing. An affidavit or declaration is something by someone competent to testify to facts that they know and instead of giving the complete conclusions, legal conclusions and factual conclusions that the declarant had no knowledge of it. Something to the fact that you had used certain rooms or acts that he wouldn't know about."

Chief Gain: "We have come to that point now, he is not here but I think that we had better, at least it was started in the declaration as to regards to the gas station lavatory that quote, 'I have observed similar derogatory racial references during the last month at the Police Gas Station.' This is a rest stop for police officers while servicing their vehicles. It is used by Chief Gain and a large majority of all of the top officers in the Department. The bathroom which is heavily used has recently had derogatory references such as; and then it quotes some racial derogatory matters. Now as a matter of fact, I have never used that bathroom the two years or so that I have been Chief of Police. I seldom gas my own car, someone else takes it over there. I have never used it but this was based upon an assumption. That statement, that because my car was seen there, staff took it over to get gassed, that I must have used that. I can understand how that could occur but it is said to be a factuous statement. It didn't happen."

Commissioner Sanchez: "Chief Gain, again yes, as of yesterday, whatever, there is action being taken both through staff, therefore all boards, official or whatever, are within the jurisdiction of the department both here and out in the satellites will be monitored and/or there will be some administrative regulations and/or bulletins coming out containing what may or may not be on these boards or walls or whatever, is that correct?"

Chief Gain: "Monday night I received a copy of this letter, the declaration. I think it was about 4:30 Monday afternoon, and sometime after that I had a meeting with three Deputy Chiefs and they, Monday night, each took three district stations, at my request, and inspected every district station. I had they and other staff members inspect lavatories of the 5th floor, 4th floor, wherever allegations of these type of materials exist and action was taken that night to have walls cleaned or whatever it may be. I would say in regard to the bathroom at the Police Gas Station, that without question is so bad over there and has been in the past, racial things and others that they have put up a blackboard and it takes continuous cleansing of that blackboard. That is used by the public as well as by police and other city personnel. I can't say, of course, who puts it on but it is going on there and there are some real severe statements. At the police stations the pretty grave problem is at Northern, upstairs outside of public view with a lot of scribblings on the wall, only one racial. Ingleside only had one racial expression on the wall. Central had one. Just those three stations. The others, as I recall, were clean of anything."

Commissioner Murphy: "Well, Southeast, had a sign that I saw and it was 'Anita Bryant for Sheriff,' that isn't exactly racial, but it....."

Chief Gain: "There are lots of things written that has nothing to do with race. And I have got....."

Commissioner Murphy: "Well sure, but they have to do with belittling our fellow human beings....."

Chief Gain: "Oh no, I am not ignoring that, I just want to comment that I have got a list here, the Deputies, I had them write down what was, in fact, scribbled, I am not going to repeat it, but most of it relates to me. But the point is this, if you actually count how many racial things that are written as compared to how many things are written in regard to the Chief of Police, I am going to protest that I am the minority person in this police department. But there is all types of scribblings so that one about Anita Bryant is probably almost harmless."

Commissioner Toler: "When these things are found they are removed from the walls?"

Chief Gain: "Well, they have not been removed as much as they should have from some of these locations that I have mentioned, but I assure you in response to your question that they will be hereafter. The captains in the district stations will be inspecting every day, we have night-time captains inspecting and whatever. I might also say this, let's assume that policemen put some of these up or all, that if they are going to scribble this graffiti thing, it is something that people do, particularly men in the bathroom, that they have got the blackboards there and that might be the healthiest place for them to act out whatever is troubling their little psyche's. Hopefully, they would not get into the racial matters and pick on other things. I don't mind them picking on me. I am inured to that now so we would rather have them do it there and we will just make sure it is cleansed as much as we can."

Officer Will Battle: "Chief, this is not in relation to the letter we are just now getting to the letter which you all have, and part of the declaration which you all have as much as a personal opinion about though I am not speaking for the President because he is not here. Since this entire incident is somewhat unfortunate, unfortunate in the sense that it took action of this type to get a response from the administration to go out to the district stations to check the areas that these allegations were alleged to occur or to have taken place when this should have been done, shall we say November of last year. It is just a matter of a period of time. I am glad it is being done now. The Chief and Staff, quite naturally are to be commended for it, but it is not to belittle the fact that it was done and it is still there and those individuals who wrote those expressions, feelings or attitudes or beliefs of theirs are still working. And quite naturally the Chief, in his own words, just stated that it was there for a period of time, but it doesn't mean necessarily that it is going to stop. That it would put a graver burden upon the Supervisory personnel to be a little more diligent in their job to make sure that these other personnel who work with them express the feelings of the administration, that this is not to be tolerated. And I just wanted to be brief with that statement and not belabor the point."

Commissioner Siggins: "I know, but you could have complained about it to us at any time, Will. We've seen you....."

Officer Will Battle: "It has been complained of in a great many forms in the last several months and this is, to my way of thinking, and to my knowledge, a more direct and immediate response than we have ever had."

Commissioner Siggins: "I really find fault with the sensationalism of it, why not try it through us first? To have this thing filed and recorded is....."

Officer Will Battle: "As far as the mechanics, I didn't want to get into it."

Commissioner Siggins: "Okay....."

Officer Will Battle: "I just wanted to comment, I am aware of the opinion of the Chief and the Commission on that point and it is well taken."

Chief Gain: "May I respond also, this is something that was a catalyst and we are just taking action now and, of course, specifically Officer Battle, you know that when you were President of the OFJ we met in November in my office with the attorneys or one attorney for Public Advocates and we agreed at that time because then there were allegations that you said existed of minority officers being harrassed, and we stated at that time and had an agreement that hereafter if there was matters of any nature that you have direct access to my office. You understood that, correct? So, let all know that I, as Chief of Police and certainly my staff, has a responsibility to take action and it should be understood that I don't go into every bathroom in every district station and attempt emphatic actions there when there is cause to do so. When it comes to that collage of photographs as disgusting as they are, as demeaning as much as that should have been taken down and never should have been put up. Many people saw it but the point is this, that we all have responsibility for taking action, some more than others, but also minority persons have a responsibility and particularly those who are officers or members of organizations such as Officers For Justice, so again, you are still a member. I would appeal to you as I did to Inspector Saunders when I talked to him about this letter since then. Report these things so we can work together. If we have a situation when it comes to a bathroom here or a bulletin board, if these things are put up, then let me know and we can immediately take action."

Officer Will Battle: "I don't want to belabor the point, I acknowledge what you said Chief."

Commissioner Siggins: "Okay, is there anything else before the Board?"

Commissioner Murphy: "This is not an item that I want to discuss tonight, but I hope that everybody saw this article in the Examiner of March 29th about the Schonholtz neighborhood Community Boards. Sometime I think we would like to have an update on it, oh, here is Inspector Saunders."

Chief Gain then advised Inspector Saunders on the matters that he had discussed with the Commission in regard to the letter from Mr. Gnaizda, Public Advocate Attorney.

Inspector Prentice Saunders: "President Siggins, other Commissioners, Chief, Deputy Chiefs, I am Prentice Saunders, the President of the Officers for Justice. I am here to speak on the issue that you have been discussing while I was out of the room. This particular issue has brought forth something that saddens me as this particular issue in 1978 in San Francisco would have to be discussed at all. However, since it is before us, this is a culmination of a long struggle in the Police Department to bring about some really meaningful change. And in that meaningful change, I think, in dealing in interpersonal relationships, particularly those relationships between minority officers and the majority of the white officers. First, let me make a preface to my statements. In the letter and the comments in my affidavit, certainly these comments are not aimed at an indictment of all of San Francisco Police Officers, White Police Officers, certainly there are many white police officers in the police department who deplore racism as much as I do as a black man and those men, many of them, are in this room. However, we are to a point in the history of the San Francisco Police Department I feel that we must bring this issue to a satisfactory conclusion and that being that it be made officially and publicly known that the administration in the Police Department will no longer tolerate any racial slurs, regardless who it is directed at. Now in some instances for example, the collage is mentioned here. There were instances of graffiti on the walls of several buildings in the city buildings around the police department. These kinds of things I think in 1978 has to be stopped, because if not now, when? We have many other pressing issues of Police Work that has to be done, but first, there is some internal house cleaning that has to be done in order to get this department moving in a direction where we can handle the problem that the citizens of this city pay us for. And I have just left the scene of one of those problems. I say to you Commissioners, in order to bring this particular issue to a satisfactory close, I first must say in the last couple of days and commend the Chief and his staff and the Deputy Chiefs. I have seen more positive action, actual positive action, in this issue in the last couple of days than I have seen in my career. I saw marked improvement. Along that same line, moving this issue to a satisfactory conclusion, to build the confidence not only of the black officers and other minority officers within the San Francisco Police Department, but the community that we are in deficit and I say we, I am a member of the San Francisco Police Department and a very proud member of the San Francisco Police Department and I want this Department to be, live up to its potential. We can not live up to its potential until we have solved this internal issue. In order to make sure that the issue is brought to a satisfactory conclusion, we of the

Officers for Justice do suggest that we seek an outside investigation coupled with the Chief's present and his Staff's present efforts. Those two energies put together certainly could bring a satisfactory close to this. It would certainly relieve the Department of the aftermath of any internal investigation that would be labeled white-wash. So we do, of the Officers for Justice, recommend an independent investigation and I think that it will serve notice to that number of people whomever they are, that we in the San Francisco Police Department, you of the Commission and the Chief and his administration will no longer tolerate any level of racism or racial degradation or racial comments that are insulting to any portion of the police department or the community."

Commissioner Toler: "Inspector Saunders, you indicated that the Chief has taken action. The action he has taken is not sufficient as far as you are concerned."

Inspector Prentice Saunders: "The action he has taken is working, I think that his actions coupled with an outside investigation would meet the needs that this particular situation demands."

Commissioner Murphy: "Do you think for one moment that if you had brought this situation to this particular Commission that we would not of acted on it, that we would not have been aghast, that we would not have been quite ready to take any steps, ask the Chief or anybody else to take the steps that are needed to be taken? Do you have any question in your mind about that?"

Inspector Prentice Saunders: "No, I don't Commissioner. Many times the tactics that are used or we discuss them and seek the best tactics to bring a situation to....."

Commissioner Murphy: "So you think that the best tactic was to go over the head of the Commission and ask for a separate Commission to be appointed to investigate this one aspect of the police department."

Inspector Prentice Saunders: "We felt that in this particular instance Commissioner, with all respect to the Commission, we felt that if anything done within the police department, and I would like to make this clear to the Chief to, I feel that the Department would be very competent in investigating such a complaint, I feel that the Commission would be competent. However, an independent, when there is an internal matter as close to us as an internal problem like this an outside Commission of people who are not burdened with other administrative duties or other worries about the police department would have their full attention focused upon the issue."

Commissioner Murphy: "Well, if you don't think you have got our full attention you are mighty mistaken. This is about a 35 hour a week job and I think there is deep concern and I am sure I am speaking for all, deep concern about this, and I just don't understand that kind of mental mechanism shall we say. I don't understand it at all."

Chief Gain: "May I ask....What does the Inspector have in mind in so far as an outside independent investigation of what?"

Inspector Prentice Saunders: "Of incidents Chief, of incidents of racism in the police department, of incidents of complaints brought to the attention of the Police Department with us being as closely tied to the Department as we are, I think that even myself, if I were to be investigating a complaint, I would have certain biases that would bother me, probably and this is a human thing."

Chief Gain: "Let's be specific. You say investigations of incidents of racism. What incidents of racism?"

Inspector Prentice Saunders: "Pictures of the incidents for example, we haven't yet found out who put the pictures on the wall....."

Chief Gain: "That collage?"

Inspector Prentice Saunders: "No, not that collage. There were other pictures, for example, at the Park Station, that kind of thing, yes."

Chief Gain: "Alright, now Park Station was thoroughly investigated, in fact, charges are pending, there will be a hearing before the Police Commission, consequent to that matter. The Southeast Station matter was thoroughly investigated. It has been completed. We know the result of that investigation. Now I think we have to be very specific when we call for outside investigation as to what they are going to investigate. Those things are done, there will be a hearing before the Commission on one. Now what else?"

Inspector Prentice Saunders: "Okay, yes sir, in feedback from the Community is that the Community, I say the Community say, 'okay you have done an internal investigation.' In order to take the stigma away from the department to say that no matter how thorough an investigation is done inside the Department on issues of this type the community still had the feedback, 'well they covered up, they did this, the Department didn't thoroughly investigate it.' I think that this would take that stigma away."

Chief Gain: "Well, let me suggest this, are you suggesting a Moscone Commission on racism in the Police Department?"

Inspector Prentice Saunders: "No sir, not for him specifically, that was just a suggestion."

Chief Gain: "You don't think Gnaizda's publicity stunts would be the right device do you?"

Inspector Prentice Saunders: "No sir, I think there are agencies already available."

Chief Gain: "Alright, let me suggest to you, it has been suggested before by others, that the Federal Bureau of Investigation conduct an investigation in the Southeast Station matter and the Park Station matter. Now as you are well aware the United States Department of Justice is a part of the OFJ suit, right, they have intervened in that. Right now if the U.S. Attorney representative in connection with that suit, anytime that that person wants to have the FBI investigate a matter in this police department having to do with allegations of discrimination, it can be done. You know that. There is already a vehicle there for the Federal Bureau of Investigation. Now if that's what you have in mind, I welcome them before and anytime on any matter within this police department within their province. It could well be now under the umbrella of the suit to come and investigate. If they want to do duplicate investigations we are not concerned."

Inspector Prentice Saunders: "Thank you Chief, that is exactly what we had in mind and in it would probably be just verifying what you have already found out, but with the added effect of taking away the community's attitude of, 'well the police covered it up,' or the attitude of some of the officers that well, 'it was not a fair investigation.'"

Chief Gain: "Are you aware that I have said that before, that we don't fear at all an FBI investigation?"

Inspector Prentice Saunders: "Well, I think that would certainly solve the problem."

Chief Gain: "We don't fear it at all. If right now the FBI could come in with the appropriate instructions, presumably the U. S. Attorney's Office, the attorney in this case, and investigate the collage on the wall or the graffiti in the bathroom and I am not being facetious, if some one wants to have them do that they can do that. We know full well the history of the collage, don't we?"

Inspector Prentice Saunders: "Yes sir."

Chief Gain: "Alright, that's been....but they can come in. I would say this, you stand there and you agree with the FBI, if the FBI came in the odds are you might have more people saying 'well, that's nothing but another branch of government so you better get someone else doing it.' My frank feeling is, I know that the investigations have been thorough in each of these regards. I think it is unneeded, it would be a redundancy to have the FBI come and if they want to do it though that's alright."

Commissioner Siggins: "I think you have kind of answered some of the problem yourself Inspector Saunders when you say that there are a number in the department that want to fight racism, you know, whites and blacks together, we can do that, we don't have to have someone from the outside come in and do it. We can tell the people in the department that we will have someone if we are not going to be able to clean it up ourself. I don't think we have to run out there and get it now. We are doing the investigation. Things are pending now and I really think that the lawyer for Officers for Justice was really sensationalizing the whole matter and was way out of line when he made the charges and went to the Mayor on it. The department can handle it."

Inspector Prentice Saunders: "Alright then, now we will.....if we do still have your consideration of the FBI coming in....."

Commissioner Siggins: "What if the FBI comes in and say that you had a.....there was a picture of you up there for 8 months and then on April 2nd you complained about it and that for the first time it was pointed out that you felt it was racial, that picture....."

Inspector Prentice Saunders: "Yes sir."

Commissioner Siggins: "And that you could have taken it down for 8 months and would they have told us that I mean, in effect, any investigation?"

Inspector Prentice Saunders: "Well the picture you are referring to is the collage. I am not specifically zeroing in on the collage. There are other.... this collage is not in the same category as some of the other incidences that I am thinking about. The Chief mentioned the Park Station which he says has been investigated and the Southeast Station."

Commissioner Murphy: "It has not only been investigated, it's coming up for a hearing, disciplinary hearing."

Commissioner Sanchez: "Inspector Saunders if I might just respond a little being I guess one of the newest members and also very concerned about institutional racism regardless of where it is. When you were out on the detail, the Chief make aware of the fact that you were unaware there was a problem which is number one. Number two, at this point and time as of yesterday he has taken an administrative action to resolve not only the problem in reference to bulletin boards either official or non-official but also assigning certain commanders, ectera, to the various stations to insure that things like this do not happen again. And a monitoring system is now insuring that they won't. This, I think, are very positive steps in trying to deal with certain types of attitudes whether they be racial, you know, or whatever, towards any citizen and/or member of the police department. I think that, again, it's a very positive step and one that hopefully all of us will work collectively to insure that it does not happen again anywhere under the jurisdiction of this Commission. The idea of perhaps having like the FBI or whomever come in and take a look at certain areas of the police department in itself you know, may or may not be a good idea, I've no idea. I know basically, there was a lot of concern among many communities about the, quote, 'FBI and some of the findings in reference to the Warren Report and others.' Basically, what I am trying to say, is that we are talking about institutional racism, part of the problem is the fact that many of those involved in administration of institutions don't realize that there is a problem at all. In this particular incident, the problem has been defined, corrective action has been generated and hopefully, will be followed out with a high degree of continuity.. We thank some members, you know, for bringing this to our attention. The content of the letter, however, I think, is in a whole different realm and that wasn't only the point of discussion this evening as far as the Commission was concerned, but corrective action has been taken at this point and the problem has been defined as a problem and there are positive resolutions being generated which, will insure that all groups plus ethnic communities and whomever will not be put in a position such as so defined and brought before this administration that's all I wanted to say here."

Inspector Prentice Saunders: "Okay, thank you, Commissioner and I would like to now....I would offer the officers my services, the Officers for Justice Services to help to assist the Chief in any way possible to continue these positive actions and as I said the positive actions are noticeable in the last couple of days."

Commissioner Siggins: "Alright, but I have to say this on behalf of our Commission, we have tried to work with the Officers for Justice since we became a Commission in 1976 when Mr....Officer Battle, I think, will agree with that."

Inspector Prentice Saunders: "And I agree also, Mr. Commissioner."

Chief Gain: "May I comment please in response to Commissioner Sanchez, with what I understood your statement to be about my unawareness of the problem, I just want to put it in context, the only thing that I was unaware of was that collage on the homicide detail bulletin board. We've had problems in this department for some time. Last August was the Southeast Station incident and we have given orders and took emphatic actions through inspections to get graffiti cleaned up and what happened with this one was again brought to my attention that that kind of thing can occur where it just stays there so we are re-emphasizing we are going to actually institutionalize inspections and whatever that's what we are going to do. And we appreciate...Inspector Saunders and I had a discussion and we have a clear understanding that he, President in the Officers for Justice will immediately report directly to the Chief of Police if they see anything so that we won't have to suffer to have something on the wall for 10 or 14 months and I think that is very healthy as the result of all of this."

Commissioner Toler: "Just one brief remark before Inspector Saunders leaves, I hope that you heard Commissioner Murphy at the very outset, indicate to you that we are vitally concerned about what happens in this police department. If you have a concern like that after you have spoken to the Chief, and I am sure you will get results, but if not, the Commission is here for you to bring your concerns to us and I hope you do realize that."

Inspector Prentice Saunders: "I do realize that and thank you very much, all of you."

Commissioner Siggins: "I always thought we made Officer Battle the great President of the Officers for Justice that he was, that the Commission itself made him. Is there anything further?"

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and teh same are hereby approved:

3500-16th STREET - CONTINUED FOR ONE (1) WEEK

- a) Install a 22' green zone, extending from 15' to 37' west of east property line.

1785 UNION STREET - CONTINUED FOR ONE (1) WEEK

- a) At 1785 Union Street, revoke existing 22' yellow zone, extending from east property line to 22' west.

1350 WALLER STREET - ALL SAINT'S EPISCOPAL CHURCH
(in front of church proper-N side of St.)

- a) At 1350 Waller Street, install a 25' white zone, to extend from west property line to 25' west of same.
- b) At 1350 Waller Street, revoke existing 25' red zone.

695 CHESTNUT STREET - VARIOUS

- a) At 695 Chestnut Street, revoke existing 45' yellow zone, extending from 7' to 52' north of Columbus Avenue.

1750 UNION STREET - WEST-ERHARD SEMINARS TRAINING

- a) At 1750 Union Street, revoke existing 30' yellow zone, extending from west property line to 30' east of same.

1785 UNION STREET - UNION GLASS CO.

- a) At 1785 Union Street, revoke existing 22' yellow zone, extending from east property line to 22' west of same.

1952 UNION STREET - GENERATION GAP

- a) At 1952 Union Street, revoke existing 22' yellow zone, extending from east property line to 22' west of same.

200 BRAZIL - CLEANING SHOP

- a) At 200 Brazil Str-et, revoke existing 18' green zone, extending from 3' to 21' east of Paris Street.

400 - 9th STREET - STANLEY ROSENTHAL & CO.

- a) At 400-9th Street, revoke existing 45' ywllow zone, extending from 12' to 57' south of Harrison Street.

298 LAGUNA STREET - ZEN BUDDIST CENTER

- a) At 298 Laguna Street, revoke existing 22' green zone, extending from 27' to 49' south of Page Street.

1101 SOUTH VAN NESS - GENERAL PETROLEUM CORP.

- a) At 1101 South Van Ness, revoke existing 20' yellow zone between two driveways.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 227 feet of white, green and yellow zones, at the parts of the city, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 161-78

JAMES W. CONNELL AND
HIS ATTORNEYS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of James W. Connell in the sum of \$2,500.00 in Superior Court Action No. 694-429 entitled "James W. Connell v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 7, 1974

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 162-78

MICHAEL LEWIS AND HIS ATTORNEY
STANLEY A. SHULSTER

RESOLVED, that the recommendation of the City

Attorney for settlement of litigation of Michael Lewis in the sum of \$974.13 in Municipal Court Action No. 711-406 entitled "Michael Lewis v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 4, 1974

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 163-78

ODELL COOK, INDIVIDUALLY AND AS GUARDIAN
AD LITEM OF VELTA AND SCHARMAN COOK, AND
LINDA COOK, AND THEIR ATTORNEYS.

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Odell Cook in the sum of \$6,500.00 in Superior Court Action No. 673-776 entitled "Odell Cook v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 19, 1973

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 164-78

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$4,000 charging same to Appropriation No. 7.161.890.000 as an advance on the Police Contingent Fund for the month of April, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 165-78

REQUEST TO TRANSFER FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$23,025 from allotted funds in Appropriation No. 6.161.900.962.000 (Bomb Investigation and Disposal Program) to Appropriation No. 7.161.962.000.000 (Bomb Investigation and Disposal Program) in order to consolidate funds provided to equip the Bomb and Investigation and Disposal Unit of the Crime Specific Task Force into one account and thereby

provide for requisitions in process.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

REQUEST TO TRANSFER \$26,000 FROM ALLOTTED FUNDS IN
APPROPRIATION 7.161.112.000.000 (HOLIDAY PAY-UNIFORM
FORCE) TO APPROPRIATION 7.161.112.001.000 (HOLIDAY
PAY-CIVILIAN) TO PROVIDE FUNDS TO COVER TIMEROLLS
ON HAND FOR THE FEBRUARY, 1978, HOLIDAYS. - CONTINUED
FOR ONE (1) WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 166-78

AUTHORIZING ATTENDANCE OF INSPECTOR ALBAN WEATHERMAN,
AUTO DETAIL, AT THE DEPARTMENT OF JUSTICE STOLEN VEHICLE
ADVISORY COMMITTEE SEMINAR IN SACRAMENTO, CALIFORNIA,
FROM APRIL 5, 1978 TO APRIL 7, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the
Chief of Police that Inspector Alban Weatherman,
Auto Detail, be detailed to attend the Department
of Justice Stolen Vehicle Advisory Committee Seminar
in Sacramento, California, from April 5, 1978 to
April 7, 1978, inclusive, be, and the same is hereby
approved; and be it further

RESOLVED, that expenses incurred by In-
spector Weatherman will be defrayed by the Department
of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

WEEKLY SICK REPORT

	<u>PREVIOUS WEEK</u>	
Daily average for the week sick	62	57
Daily average for the week dis- abled	<u>99</u>	<u>93</u>
TOTALS	161	150

This is a decrease of eleven (11) members off duty
daily from the previous week.

Daily percentage for the week sick	3.44
Daily percentage for the week disabled	<u>5.95</u>
TOTAL	9.39

Disabled at the start of the week	93
Started during the week	19
Returned during the week	19
Disabled at the end of the week	93
Net Gain or Loss	0

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, MARCH 15, 1977 AT 2400 HOURS:

Daily average for the week sick	80
Daily average for the week disabled	<u>82</u>
TOTAL	162
Daily percentage for the week sick	3.89
Daily percentage for the week disabled	<u>4.89</u>
TOTAL	8.78

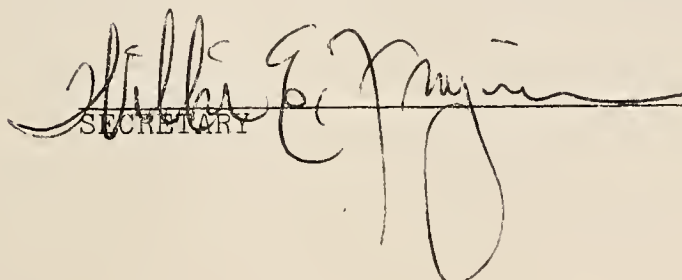
SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, FEBRUARY 7, 1978 AT 2400 HOURS:

Daily average for the week sick	60
Daily average for the week disabled	<u>113</u>
TOTAL	173
Daily percentage for the week sick	3.23
Daily percentage for the week disabled	<u>6.70</u>
TOTAL	9.93

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

The Commission adjourned its meeting at 1950 hours.



SECRETARY

12 APRIL 1978

EXECUTIVE SESSION

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, April 12, 1978 at 1700 hours in Executive Session.

PRESENT: Commissioners Ciani, Sanchez, Toler, Siggins

ABSENT: Commissioner Murphy

Commissioner Siggins presiding.

JUL 11 1978

1. - Attorney-Client Conference.

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12 APRIL 1978

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, April 12, 1978 at 1730 hours in Regular Session.

PRESENT: Commissioners Ciani, Sanchez, Toler, Siggins

ABSENT: Commissioner Murphy

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

639-655 TURK STREET - FEDERAL MOGUL SERVICE

- a) At 639-655 Turk Street, revoke existing 33' yellow zone, extending from 37' to 110' west of east line of 639 Turk Street.

1260 STEVENSON STREET - AIRFLEX MATTRESS CO.

- a) At 1260 Stevenson Street, revoke existing 21' yellow zone, extending from 11' to 32' west of south Gough Street.

3365 - 19th STREET - RUSSIAN CHURCH AND CONVENT

- a) At 3365 - 19th Street, revoke existing 40' white zone, extending from 8' to 48' west of east property line.

398-29th STREET - NOE VALLEY COMMUNITY STORE

- a) At 398-29th Street, revoke existing 40' green zone, extending from 5' to 45' east of west building line.

1746 POST STREET - HOKWBEI MAINICHI

- a) At 1746 Post Street, revoke existing 41' yellow zone, extending from 5' to 46' west of east property line.

501 PAUL - STANDARDS BRANDS, INC.

- a) At 501 Paul, revoke existing 31' yellow zone, extending from 125' to 161' east of Bayshore.

#2 WHEAT - FRANKS MILLING CO.

- a) At #2 Wheat, install a 22' yellow zone, to extend from north property line to 22' north of same.

398-29th STREET - NOE VALLEY COMMUNITY STORE.

- a) At 398-29th Street, install a 22' yellow zone, to extend from 27' to 49' east of west property line.

3177 MISSION STREET - MANILLA LIQUOR

- a) At 3177 Mission Street, install a 22' yellow zone, to extend from north property line to 22' south of same.

2620 - 3rd STREET - J & J BODY SHOP

- a) At 2620 - 3rd Street, install a 22'

yellow zone, to extend from south property line to 22' north of same.

AYES: Commissioners Ciani, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Murphy

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 206 feet of yellow, white and green zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Murphy

Commissioner Sanchez: "Mr. President, I have one question, if I may, pertaining to item #2a, of the Consent Calendar and the vehicle accident at 21st and Valencia. We usually vote upon these, but I just wonder if perhaps some action reported here pertaining to those people who work for the Police Department who are involved in these accidents. Is there some follow-up on the case of 2a?"

Chief Gain: "There is an Accident Review Committee and that Committee meets and entertains all of the circumstances attending the accident, comes to findings and submits recommendations and up to this time, as far as recommendations, there have been recommendations for retraining or whatever but not for disciplinary action when it is called for....."

Commissioner Sanchez: "But in the case of this, as an example, where there was evidently evidence to, you know....."

Chief Gain: "That's a 1974 matter."

Commissioner Sanchez: "Right, is that person still working for the department and/or was there any action taken or what happened, is there an answer yet?"

Chief Gain: "We don't know but we can report to you on that, but it is my understanding from talking with

staff because we are now reviewing the policy and so on, on the Accident Hearing Board and what results from it is that no disciplinary action has been meted out when officers have been in accidents and violated the rules and whatever it may be. Is that right?"

Deputy Chief Mullen: "To my knowledge, none."

Chief Gain: "So, what we are doing now is that I am having staff review the Accident Board procedure we have and the recommendations with the view that the appropriate cases, disciplinary action, may well be taken when there has been a flagrant and willful deliberate violation. We will report back on this 1974 case."

Deputy Chief Mullen: "By way of clarification, in simple accidents wherein maybe there is a traffic violation, or possibility of a traffic violation by an officer, there is no history of disciplinary action. There has been cases where officers have been like under the influence of alcohol and smashed up their car. Separate from the accident they have been charged both criminally and disciplinarily. There has been some serious cases but when there is a general run of accidents where it is a question of whose fault the accident was rather than some separate time, as it is, there hasn't been any disciplinary action taken."

Commissioner Sanchez: "Ah, but the fact of the matter that there is a settlement, so to speak, such as this from the City Attorney's Office means that therefore, there must have been reasonable fault within the jurisdiction where otherwise there would be no attempt to settle it, correct?"

Deputy Chief Mullen: "We will just have to go back to 1974 to see what disciplinary....."

Chief Gain: "Not necessarily, sometimes there are what you call nuisances claims, they are settled even though the officer may not have been wrong. I think that has occurred also. Rather than fight the thing in court, sometimes settlements are made. But, again, the practice has not been, as far as I understand, to mete out disciplinary action in any case. I have a recommendation on my desk right now consequent to an officer disregarding rules and regulations for a suspension and that's why I had cause to look into what has been past practices. Apparently, there has been no disciplinary action and we are addressing that now as to whether we shouldn't change our rules so that in repeat type cases or flagrant violation of rules and regulations, there should not be disciplinary action in order to stop the inappropriate driving practices."

Commissioner Siggins: "We have also asked the question earlier about the towing problems, you know, when we keep paying and paying on towing problems although they are sometimes only 21.00 dollars. Commissioner Murphy pointed out that it was more than that just to process the claim. Probably a lot of them are caused by carelessness within the department."

Chief Gain: "We have.....that comment was made several months ago when one particular night we had a great quantity and we did act upon that and we are having fewer complaints now because action has been taken."

Commissioner Siggins: "Okay, any other questions about the Consent Calendar?"

Commissioner Ciani: "I move approval."

Commissioner Toler: "I second."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 171-78

GILBERT ZUNIGA AND HIS
ATTORNEY J. A. MORALES

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Gilbert Zuniga in the sum of \$2,900.00 in Superior Court Action No. 704-119 entitled "Gilbert Zuniga v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 22, 1974

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 172-78

ROBERT S. FERNANDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert S. Fernandez against the City and County of San Francisco in the sum of \$22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1977

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 173-78

LAWRENCE WILLIAMS AND HIS ATTORNEYS
VINCENT HALLINAN & TERENCE HALLINAN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Lawrence Williams in the sum of \$750.00 in Superior Court Action No. 691-336 entitled, "Lawrence Williams v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 14, 1975

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 174-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of \$221,400.00 as follows:

Appropriation No. 7.161.110.000.000 Permanent
Salaries-Uniform Force \$221,400.00

and credit it to the following appropriation in the amount indicated:

Appropriation No. 7.161.110.000.000 Permanent
Salaries-Uniform Force \$221,400.00

to reclassify sixty (60) positions of Q35 Assistant
Inspector wherein incumbents have two (2) years of
experience to 0380 Inspector, effective May 1, 1978.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 175-78

AUTHORIZING ATTENDANCE OF LIEUTENANT JOHN J. JORDAN,
INVESTIGATION BUREAU (HOMICIDE DETAIL), AT A SEMINAR
FOR HOMICIDE SQUAD COMMANDERS, AT QUANTICO, VIRGINIA,
FROM APRIL 16, 1978 TO APRIL 21, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the
Chief of Police that Lieutenant John J. Jordan, In-
vestigation Bureau (Homicide Detail), be detailed to
attend the Seminar for Homicide Squad Commanders, at
Quantico, Virginia, from April 16, 1978 to April 21,
1978, inclusive, be, and the same is hereby approved;
and be it further

RESOLVED, that expenses are to be defrayed
by the Federal Bureau of Investigation.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 176-78

AUTHORIZING ATTENDANCE OF LIEUTENANT THOMAS L. O'DONNELL,
PLANNING AND RESEARCH DIVISION, AT THE ANNUAL CONFERENCE
OF THE ASSOCIATION OF POLICE PLANNING AND RESEARCH OFFICERS
AT MONTEREY, CALIFORNIA, FROM MAY 10, 1978 TO MAY 13, 1978,
INCLUSIVE.

RESOLVED, that the recommendation of the
Chief of Police that Lieutenant Thomas L. O'Donnell,
Planning and Research Division, be detailed to attend
the Annual Conference of the Association of Police
Planning and Research Officers at Monterey, California,
from May 10, 1978 to May 13, 1978, inclusive, be, and
the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant
O'Donnell in a sum not to exceed \$191.00 will be defrayed

by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 177-78

AUTHORIZING ATTENDANCE OF DR. MIMI H. SILBERT, DEPARTMENT TRAINING CONSULTANT, LIEUTENANT RICHARD D. KLAPP, AND SERGEANT MICHAEL S. HEBEL, PERSONNEL AND TRAINING, AT THE BASIC COURSE REVISION CONSORTIUM WORKSHOP AT SACRAMENTO, CALIFORNIA, FROM APRIL 18, 1978 TO APRIL 19, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Dr. Mimi H. Silbert, Department Training Consultant, Lieutenant Richard D. Klapp, and Sergeant Michael S. Hebel, Personnel and Training, be detailed to attend the Basic Course Revision Consortium Workshop at Sacramento, California, from April 18, 1978 to April 19, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Dr. Silbert, Lieutenant Klapp and Sergeant Hebel in a sum not to exceed \$60.00 each, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 178-78

AUTHORIZING ATTENDANCE OF CRIME ANALYSIS SUPERVISOR LAWRENCE J. FUNK AND POLICE OFFICER RICHARD SAFLY, AT A CRIME ANALYSIS WORKSHOP AT COLORADO SPRINGS, COLORADO, ON APRIL 20, 1978 TO APRIL 21, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Crime Analysis Supervisor Lawrence J. Funk and Police Officer Richard Safly, be detailed to attend a Crime Analysis Workshop at Colorado Springs, Colorado, on April 20, 1978 and April 21, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses will be defrayed by the Integrated Criminal Apprehension Program.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 179-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Inspector B. John McKay) \$155.00 (Labor Relations
Intelligence Unit) (Seminar, Sacramento,
(California, from
(March 29, 1978 to
(March 31, 1978, in-
(clusive.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

WEEKLY SICK REPORT

PREVIOUS WEEK

Daily average for the week		
sick	48	62
Daily average for the week		
disabled	<u>96</u>	<u>99</u>
TOTALS	144	161

This is a decrease of seventeen (17) members off duty daily from the previous week.

Daily percentage for the week sick	2.47
Daily percentage for the week disabled	<u>5.78</u>
TOTAL	8.25
Disabled at the start of the week	99
Started during the week	11
Returned during the week	10
Disabled at the end of the week	100
Net Gain or Loss	+1

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
MARCH 22, 1977 AT 2400 HOURS:

Daily average for the week sick	76
Daily average for the week disabled	<u>81</u>
TOTAL	157

Daily percentage for the week sick	3.65
Daily percentage for the week disabled	<u>4.83</u>
TOTAL	8.48

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
FEBRUARY 14, 1978 AT 2400 HOURS:

Daily average for the week sick	47
Daily average for the week disabled	<u>106</u>
TOTAL	153

Daily percentage for the week sick	2.47
Daily percentage for the week disabled	<u>6.28</u>
TOTAL	8.75

The report was ordered filed.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report tonight Commissioner."

Commissioner Siggins: "In Executive Session we met with council and we had the discussion regarding the proposed Consent Decree in the case before the Federal District Court in the matter of the Officers for Justice against the City and County of San Francisco."

Commissioner Ciani: "Well, I would like to make a motion that for the record we approved the form of Consent Decree, and the motion is as follows: 'Resolved, that the Police Commission hereby approves the proposed Consent Decree in the form as presented to the Federal District Court in the matter of Officers for Justice versus Civil Service Commission, City and County of San Francisco, et al., NO. C-73-0657 R&P.'"

Commissioner Toler: "I second the motion."

Commissioner Siggins: "Any further discussion? All in favor?"

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

Commissioner Siggins:

I might point out for the record that the Commission has spent many hours in discussing the proposed settlement decree, the pros and cons, and has a recommendation that it is in the interest of the City and County of San Francisco and a long term interest to the police department that we settle this matter and get on with other police business."

REQUESTING PERMISSION OF THE POLICE COMMISSION TO MAKE FIVE (5) NON-CIVIL SERVICE APPOINTMENTS OF POLICE OFFICERS (Q2) TO THE RANK OF ASSISTANT INSPECTORS (Q35) UNDER THE PROVISIONS OF CHARTER SECTION 8.332. (CONTINUED FROM MEETING OF APRIL 5, 1978) - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RECEIPT OF PROPOSED GENERAL ORDER ON PATROL COMMANDER DUTIES - COPIES SENT TO EMPLOYEE ORGANIZATIONS - ACKNOWLEDGED

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

STATUS REPORT IN THE MATTER OF GRIEVANCE 7-77 FILED BY ASSISTANT INSPECTOR MICHAEL WILLIAMS. (CONTINUED FROM MEETING OF MARCH 22, 1978) - CONTINUED FOR ONE (1) MONTH.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

PUBLIC HEARING RELATIVE TO THE DEPARTMENT STAFF PROPOSED MISDEMEANOR CITATION PROCEDURES (CONTINUED FROM MEETING OF APRIL 5, 1978) - CONTINUED FOR TWO

(2) WEEKS

Chief Gain: "Mr. President, members of the Commission, I request that that be continued for two weeks. We met with the various persons who were interested in this. They made two recommendations to us regarding changes and we accepted one and we are working on the other so that if we had about two weeks we would probably consummate it. With the change that we have made and agreed to, we will have to go to the Employee Organizations again for possible meet and confer. So if we can schedule it for two weeks ahead, we should have it finished."

Commissioner Siggins: "Are there printed citation forms now, you know I read the....."

Chief Gain: "They are being issued now. We are issuing misdemeanor citations."

Commissioner Siggins: "With the areas that have all of the different requirements that are set out in this?"

Chief Gain: "They have check marks, yes."

Commissioner Ciani: "Well some of these areas have been covered for a long time."

Deputy Chief Mullen: "The procedural rather than the policy elements for this just follow our citation form that we already use."

RESOLUTION NO. 180-78

STATUS REPORT IN THE MATTER OF POLICE OFFICER DAVID RIOS, SOUTHERN POLICE STATION

WHEREAS, the status report in the matter of Police Officer David Rios, Southern Police Station, was called; and

WHEREAS, it was requested by Police Officer David Rios that his hearing before the Police Commission be continued as his attorney, Mr. Stephen Bruce Bley, had not had the opportunity to pick up matters of discovery from the Police Department, and thereby requests a continuance to May 3, 1978 for setting of a date for the hearing; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer David Rios, Southern Police Station,

is set for Wednesday, May 3, 1978 at 5:30 p.m.,
in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 181-78

STATUS REPORT IN THE MATTER OF MICHAEL ALLEN
WINN, CETA #1404 CLERK, PERSONNEL BUREAU

WHEREAS, the status report in the matter
of Michael Allen Winn, CETA #1404 Clerk, Personnel
Bureau, was called; and

WHEREAS, it was requested by Michael Allen
Winn that his hearing before the Police Commission
be continued until after the criminal matter against
him had been adjudicated; therefore be it

RESOLVED, that the date for the hearing
of the disciplinary charges filed against Michael
Allen Winn, CETA #1404 Clerk, Personnel Bureau, is
set for Wednesday, April 26, 1978 at 5:30 p.m., in
Room 551, Hall of Justice.

AYES: Commissioners Ciani, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 182-78

POLICE OFFICER DONALD A. FOUKE, NORTHERN POLICE
STATION

WHEREAS, charges of violating the Rules
and Procedures of the San Francisco Police Depart-
ment were filed against Police Officer Donald A.
Fouke, Northern Police Station, as follows:

SPECIFICATION NO. 1

Reflecting Discredit Upon Police
Department. (Violation of Section
2.13 of the Rules and Procedures of
the San Francisco Police Department.)

SPECIFICATION NO. 2

Drawing a Firearm in Public Place. (Violation of Section 14.07 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to Hold Himself Ready to Perform Police Duty. (Violation of Section 2.25 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 4

Failure to Address Superior Officer by Title of Rank. (Violation of Section 2.31 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 5

Failure to be Respectful to Superior Officer. (Violation of Section 2.33 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Donald A. Fouke, Northern Police Station, is set for Wednesday, May 3, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Murphy

ACKNOWLEDGEMENT BY THE COMMISSION OF CORRESPONDENCE FROM THE FOLLOWING:

1. - Letter dated March 29, 1978, from Bill Martinez requesting a copy of the actual proposed Office of Citizen Complaints presented before the Mayor.

2. - Letter of March 30, 1978, from Ad Passenger Service, Inc., regarding transcript of the hearings

held during the Gray Line Sightseeing Tour Strike.

3. - Letter of March 29, 1978, from San Franciscans For a Better City, requesting a meeting with a member of the Police Department relative to Proposition A (Promotions relating to Police and Firemen.)

4. - Letter of March 22, 1978, from the Mayor's Office of Employment and Training, City and County of San Francisco, relative to backwages for Building and Grounds Patrolman Vernon Foster.

4. - Letter of March 31, 1978, from the Mission Mental Health Service, Department of Public Health, requesting an investigation relative to the incident which occurred at the Greenhouse Youth Advocates, Therapeutic Community on February 22, 1978.

6. - Letter of March 31, 1978, from Chief Gain, concerning the termination of Police Officer James T. Stringer from the Police Academy.

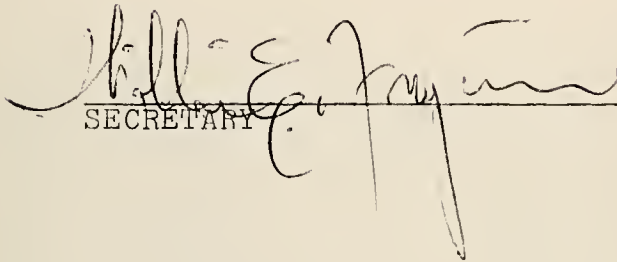
7. - Letter from Mayor George Moscone, regarding the recent arrest of staff and clientele of Youth Advocates, and requesting that the Police Commission conduct an inquiry into the validity of the charges and to make some determination as to the factual information, and to give prompt attention to the calendaring of this matter.

After discussion concluded in regard to the above letters, it was noted that members of the San Francisco Police Officers' Association were in the audience and an attempt was made at that time to schedule a Meet and Confer session on the Department's proposed General Order A-1 and Communication Response, however, Officer Jack Ballentine said the Police Officers' Association, as far as timing is concerned, was having problems because of the on-going litigation in the Officers for Justice lawsuit.

Chief Gain then asked if they had exceptions to the Department proposal why not put them in writing and the Department would then be able to expedite the process. Ballentine stated that he was working on some of those exceptions and Sergeant Hebel was working on some other phases. The Chief then advised the Commission that he would have further discussion with the Police Officers' Association in this regard. He further stated that he would hope that we were not going to get into a situation because of the litigation where the Department and the Police Officers'

Association can't Meet and Confer on these orders.

The Commission then adjourned its meeting
at 1851 hours.


SECRETARY

19 APRIL 1978

REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, April 19, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

JUL 11 1978

Commissioner Siggins presiding.

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TRAFFIC CALENDAR - ITEM #1 - REQUEST FOR WHITE ZONE AT 709 SCOTT STREET.

Officer Andrew Quaglia of the Traffic Survey Department stated to the Commissioners that in regard to the Department's recommendation of a denial of the request of Mrs. Alford for a White Zone in front of her rest home for elderly persons at 709 Scott Street, there were several persons present to speak for it and also against it. Mr. George Holland representing Mrs. Alford spoke on her behalf. He stated that she purchased this home in 1973 and there was a white zone in existence in front of the premises at that time. He stated that she was not aware that she had to have the white zone changed over to her name. He said it is only long enough for one parking space. He continued by saying that Mrs. Alford is an elderly lady with a heart condition and some of the elderly patients in the rest home have medical problems and that Mrs. Alford had not abused the privilege of having this white zone. He stated that she rents a garage in the area for her personal vehicle. He stated that if she did not have the white zone she would probably have to try and relocate it in another area. He said this would create a tremendous burden, property in San Francisco being as high as it is, to find another dwelling for these elderly and sick persons.

Mr. Owen O'Donnell then spoke out against the granting of the white zone. He stated that he lived at 705 Scott and the reason the white zone was removed was because he complained. He said he did so because Mrs. Alford used it as a private parking space for herself and her friends. He said if anyone else parks there she has them ticketed and that is the reason the whole thing came up. He said that he had lived in the neighborhood for four years and that he has never seen a patient picked up or delivered to the premises in four years.

A. Ms. Valerie Blake also spoke against the granting of the White Zone. She stated that her mother lived at 707 Scott Street and that even though she did not live there she spent a lot of her time there. She said that there have been occasions when she parked in the white zone for one minute and was ticketed. She stated that she would advise Mrs. Alford that she was just going in to her mothers place to drop something off and before she could return, her car would be ticketed. She stated that Mrs. Alford seems to have some connection with the Police who would come and give her a ticket before she could get out of the house. She said she would not be complaining if, in fact, it was being used to pick up the elderly to go on outings to the hospital or whatever, but that isn't the case.

After further discussion on the matter, Commissioner Siggins asked Mr. Holland if he wanted to bring in more evidence to support Mrs. Alford's request for this white zone?

Mr. Holland stated that he would prefer that and that the matter be continued and he did not feel that it would be unreasonable to do so. He said this would allow for him to seek other persons in the neighborhood who would come and support Mrs. Alford's request.

Commissioner Siggins then called the motion for continuance which was made by Commissioner Toler. All Commissioners then voted to continue the matter for two weeks.

The Commissioners then approved the remaining items of the Traffic Calendar and the remaining items of the Consent Calendar.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

709 SCOTT STREET - GREEN MANOR REST HOME - CONTINUED
FOR TWO (2) WEEKS.

699 WEBSTER STREET - CORNELIUS LIQUOR

- a) At 699 Webster Street, install a 22' yellow zone, to extend from north property line 22' south of same.

56 JULIAN - NATIVE AMERICAN HEALTH CENTER

- a) At 56 Julian, revoke existing 22' white zone, extending from 81' to 103' north of south building line.

90 TURK STREET - S.F.P.D.

- a) At 90 Turk Street, revoke existing 44' Special Truck Loading Zone, extending from 39' to 83' east of Taylor Street. Meters #40 & 42.

145 EDDY STREET - S.F.P.D.

- a) At 145 Eddy Street, revoke existing 40' Special Truck Loading Zone, extending from 27' to 67' west of east property line. Meters #119 & #121.

116 TURK STREET - S.F.P.D.

- a) At 116 Turk Street, revoke existing 27' yellow zone, extending from 75' to 102' west of Taylor Street.

570 MONTEREY BOULEVARD - DIMICELIS GROCERY

- a) At 570 Monterey Boulevard, revoke existing 38' green zone, extending from 21' to 59' east of west line.

570 MONTEREY BOULEVARD - DIMICELIS GROCERY

- a) At 570 Monterey Boulevard, revoke existing 27' yellow zone, extending from 6' west of to 21' east of west line of the building.

#1 FAIR - SOCIAL SECURITY ADMINISTRATION

- a) At #1 Fair Street, revoke existing 22' Blue zone, extending from west property line to 22' east of same.

243 DIVISADERO STREET - SUPERETTE MARKET

- a) At 243 Divisadero Street, revoke existing 22' yellow zone, extending from 13' south of to 9' north of the north line.

117 - 3rd STREET - SUNSHINE CAFETERIA

- a) At 117-3rd Street, revoke existing 36' yellow zone, extending from 62' to 98' south of Mission Street.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 278 feet of white, yellow, blue and green zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 187-78

CALIFORNIA STATE AUTOMOBILE ASSOCIATION
(LESBIA HELEN SELVI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lesbia Helen Selvi against the City and County of San Francisco in the sum of \$211.30 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 2, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 188-78

FARMERS INSURANCE GROUP
(PATRICK & JANICE STORDAHL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick and Janice Stordahl against the City and County of San Francisco in the sum of \$351.32 as the result

of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: December 19, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 189-78

INDUSTRIAL INDEMNITY CO.
(MO DORMAN CO.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Industrial Indemnity Company (Mo Dorman Co.) against the City and County of San Francisco in the sum of \$405.45 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: September 14, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 190-78

ALEXANDER JERNAKOFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alexander Jernakoff against the City and County of San Francisco in the sum of \$22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 4, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 191-78

BARRY SEID

RESOLVED, that the recommendation of the

City and County of San Francisco in the sum of \$492.57 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 18, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 192-78

DENNIS J. LUCA AND
HIS ATTORNEYS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Dennis J. Luca in the sum of \$1,350.00 in Superior Court Action No. 195-610 entitled, "Dennis J. Luca v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 5, 1975

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 193-78

JAMES F. ROOT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James F. Root against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 9, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 202-78

REQUEST TO TRANSFER FUNDS

RESOLVED, that the Controller be, and he

is hereby requested to transfer \$20,000 from allotted funds in Appropriation No. 7.161.112.000.000 (Holiday Pay-Uniform Force) to Appropriation No. 7.161.112.001.000 (Holiday Pay - Civilians) to provide funds to cover timerolls on hand for the February, 1978 holidays.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 184-78

AUTHORIZING ATTENDANCE OF CAPTAIN PAUL A. LAWLER, INVESTIGATIONS BUREAU, CAPTAIN JOSEPH LORDAN, FIELD OPERATIONS, RICHMOND STATION, CAPTAIN JAMES RYAN, FIELD OPERATIONS, BUREAU HEADQUARTERS, AT THE EXECUTIVE DEVELOPMENT COURSE AT TIBURON, CALIFORNIA, FROM APRIL 30, 1978 TO MAY 12, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Captain Paul A. Lawler, Captain Joseph Lordan, and Captain James Ryan, be detailed to attend the Executive Development Course at Tiburon, California, from April 30, 1978 to May 12, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Captain Lawler, Captain Lordan and Captain Ryan in a sum not to exceed \$446.80, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 183-78

AUTHORIZING ATTENDANCE OF SERGEANT JOHN O'SHEA, INTELLIGENCE UNIT, AT THE NATIONAL CONFERENCE OF LAW ENFORCEMENT INTELLIGENCE UNITS AT NEW ORLEANS, LOUISIANA, FROM APRIL 25, 1978 TO APRIL 28, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant John O'Shea, Intelligence Unit, be detailed to attend the National Conference of Law Enforcement Intelligence Units at New Orleans, Louisiana, from April 25, 1978 to April 28, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant O'Shea in a sum not to exceed \$700.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 185-78

AUTHORIZING THIRTY FIELD TRAINING OFFICERS TO ATTEND FORTY HOURS OF INSTRUCTION IN SANTA CRUZ, CALIFORNIA, FROM MAY 14, 1978 TO MAY 19, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that thirty (30) Field Training Officers be detailed to attend forty hours of instruction in Santa Cruz, California, from May 14, 1978 to May 19, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the thirty (30) Field Training Officers in a sum not to exceed \$7,670.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 186-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of \$201,000.00 as follows:

Appropriation No. 7.161.112.000.000	
Holiday Pay-Uniformed Force	\$ 50,000
Appropriation No. 7.161.110.000.000	
Permanent Salaries	\$151,000

and credit it to the following appropriations in the amounts indicated:

Appropriation No. 7.161.111.000.000	
Extra Duty-Uniformed Force	\$ 70,000
Appropriation No. 7.161.111.001.000	
Overtime - Civilian	\$ 4,000

Appropriation No. 7.161.113.001.000	
Overtime-Extended Work Week-	
Civilian	\$ 7,500
Appropriation No. 7.161.200.000.000	
Contractual Services	\$ 48,000
Appropriation No. 7.161.300.000.000	
Materials and Supplies	\$ 32,000
Appropriation No. 7.161.400.000.000	
Equipment	\$ 30,000
Appropriation No. 7.161.890.000.000	
Chief's Contingent Fund	\$ 10,000

to provide funds for uninterrupted operation of the Police Department through June 30, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 197-78

TRAVELING EXPENSE VOUCHERS- APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same are hereby approved:

Captain Ernest J. Raabe,	)	(Executive Develop-
Field Operations -	) \$446.80	(ment Training Course,
Traffic Division	) each	(at Tiburon, California,
	)	(from May 5, 1978 to
Captain Edmund J. Cassidy,	)	(May 17, 1978, inclusive.
Field Operations -)	
Patrol Division)	

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 198-78

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY INSPECTOR HAROLD M. SUSLOW, PAWNSHOP SECTION, AT THE CALIFORNIA METAL INVESTIGATORS' CONFERENCE AT FRESNO, CALIFORNIA, FROM MARCH 16, 1978 TO MARCH 17, 1978, INCLUSIVE.

WHEREAS, on the recommendation of the

Chief of Police, Inspector Harold M. Suslow, Pawnshop Section, attended the California Metal Investigators' Conference at Fresno, California; and

WHEREAS, Inspector Suslow did travel to Fresno, California on March 16, 1978 to March 17, 1978, inclusive; therefore be it

RESOLVED, that expenses in the amount of \$58.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 199-78

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY POLICE OFFICER THOMAS ARNOLD, CRIME SPECIFIC TASK FORCE, AT THE CURRENT TRENDS IN BOMB TECHNOLOGY TRAINING COURSE AT SAN JOSE, CALIFORNIA, FROM MARCH 13, 1978 TO MARCH 15, 1978, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, Police Officer Thomas Arnold, Crime Specific Task Force, attended The Current Trends in Bomb Technology Training Course at San Jose, California; and

WHEREAS, Officer Arnold did travel to San Jose, California, from March 13, 1978 to March 15, 1978, inclusive, to attend this course; therefore be it

RESOLVED, that expenses in the amount of \$137.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 200-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police

Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Police Officer Gregory Corrales)	\$514.00	(Narcotic
Narcotics Unit	)	(Investigation
		(Training Course
		(at Sacramento,
		(California, from
		(March 5, 1978 to
		(March 18, 1978,
		(inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 201-78

AUTHORIZING ATTENDANCE OF POLICE COMMISSIONER
JUDITH E. CIANI AND ICAP PROJECT DIRECTOR RAYMOND
T. GALVIN, AT AN INTEGRATED CRIMINAL APPREHENSION
PROGRAM EXECUTIVE WORKSHOP IN WASHINGTON, D.C., ON
MAY 16, 1978 AND MAY 17, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Commissioner Judith E. Ciani and ICAP Project Director Raymond T. Galvin, be granted permission to attend an Integrated Criminal Apprehension Program Executive Workshop in Washington, D.C., on May 16, 1978 and May 17, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Commissioner Ciani and ICAP Project Director Galvin will be defrayed by the Integrated Criminal Apprehension Program.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

WEEKLY SICK REPORT

	<u>PREVIOUS WEEK</u>	
Daily average for the week sick	57	48
Daily average for the week disabled	<u>88</u>	<u>96</u>
TOTALS	145	144

This is an increase of one (1) member off duty daily from the pervious week.

Daily percentage for the week sick	3.11
Daily percentage for the week disabled	<u>5.29</u>
TOTAL	8.40

Disabled at the start of the week	96
Started during the week	19
Returned during the week	24
Disabled at the end of the week	91
Net Gain or Loss	-5

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
MARCH 3, 1977 AT 2400 HOURS:

Daily average for the week sick	83
Daily average for the week disabled	<u>80</u>
TOTAL	163
Daily percentage for the week sick	3.75
Daily percentage for the week disabled	<u>4.84</u>
TOTAL	8.59

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
FEBRUARY 21, 1978 AT 2400 HOURS:

Daily average for the week sick	45
Daily average for the week disabled	<u>96</u>
TOTAL	141
Daily percentage for the week sick	2.27
Daily percentage for the week disabled	<u>5.69</u>
TOTAL	7.96

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

The members of the Commission and the Chief having received and returned amended copies of the minutes of the meetings of March 8, 1978 and March 15, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "I have no report Mr. President and members of the Commission. If you have any questions that maybe we can answer we would be most happy to do so."

Commissioner Ciani: "Chief, would you elaborate on the letter that we received about the termination of funds for the Computer Assisted Dispatch? I am just curious to know what happens from this point forward. Will we be able to go forward with that program at any point?"

Chief Gain: "Yes, as indicated in that letter, we met with Mr. Cunningham of the state agency for federal funding and he recognizes that we did need that money for the CAD, and he has given us as much assurance as he can that in the future, given the availability of Federal Funds, that he would certainly be receptive to another grant application in the appropriate amount of money. It was a matter here, whereas we explained in the letter when the bids went out, we had received some estimates of what the cost would be, and the bids received were so much higher that we didn't have time for the re-bid process. So the money had to be reverted and a key matter was to that there was another city or cities, in fact, who had programs which then could be implemented and they could utilize the money. So we are hopeful in the future that we can submit another grant application and receive funding and then get back into the CAD program."

Commissioner Ciani: "Well when might that happen and exactly what steps need to be undertaken before we can get this system?"

Chief Gain: "Well that, as I recall, was reversion money. There was discretionary reversion money from a previous fiscal year, so what we will be watching for....in constant communication, is on the status of available discretionary money and then as soon as we find that out, of course, they will inform us too, then we will make another grant application and that could be anytime, but we anticipate probably in the latter part of this year or next year."

Commissioner Ciani: "We need matching funds from the City as well. What figures are we talking about now, is this likely to stay static at \$430,000 or is it going to continue to escalate as it has apparently already?"

Chief Gain: "Escalate. Sure, you know, increase in cost all the time. So it would be a greater cost later on, without question."

Commissioner Ciani: "Well, it is a shame. That was something that we had all kind of looked forward to for solving some of our very, very serious problems."

Chief Gain: "It was a very beneficial program and it just means that we have been trying for several years in the department and in the last two years particularly to get a sophisticated and imaginative information program. So we are going to have to then just suffer with what is, in fact, an inadequate CAD program now. But we will certainly keep in touch with State and Federal people as to the availability of discretionary funds."

Commissioner Murphy: "Those aren't LEAA funds are they?"

Chief Gain: "Yes."

Commissioner Murphy: "They are."

Chief Gain: "Yes."

Commissioner Murphy: "Are they in any way jeopardized by any of the court actions going on now?"

Chief Gain: "Potentially, yes."

Commissioner Murphy: "Could I ask....are you through?"

Commissioner Ciani: "Well, I had another letter I wanted to ask a question about but it is a different item. Do you want to go ahead on that?"

Commissioner Murphy: "Well, I have a different item too, that I want to talk about, go ahead."

Commissioner Ciani: "Well, the letter we got from San Franciscans for a Cleaner City, suggests that we give peace officer status to their employees. Have you seen that letter of April 12th?"

Chief Gain: "Oh yes, that is where they want to be designated as Special Police Officers so that as they state in the letter they can more effectively do their job of handling the litter problems. I received another letter since then to the same point. So we are entertaining now whether there is, in fact, a need to give them the Special Police Officer status."

Commissioner Ciani: "Is there some kind of interim status that you might be able to give them in which they wouldn't have to have comprehensive training? It's not a Patrol Special, it's more like the reserves that,.....is that correct?"

Chief Gain: "Well, this is a separate category of Special Police Officer that the school and campus people have it, and there is great numbers of people who have it and it could be done very fast. It is under the Chief of Police."

Commissioner Ciani: "Is there a category that they just fall right into so it doesn't require much training? Is it just a matter of giving them a badge and uniform?"

Chief Gain: "It is a matter of giving them a badge and an ID card, and then they can issue the citations and so on."

Commissioner Ciani: "Okay, thank you."

Commissioner Murphy: "I have a question here from the Housing Authority. It was issued March 14th to Commissioner Siggins, and with a copy to you in which it asked for additional policing of the 43 housing developments, do you recall that letter at all?"

Chief Gain: "That wasn't, I don't think, for additional policing, that was rather the one on some data, crime data, on crime occurring in that area, and I am having Deputy Chief Mullen now meet with their Staff to identify specifically what the needs are, can you give us a status report?"

Deputy Chief Mullen: "Yes, a letter has been prepared for the President of the Commission, Mr. Siggins' signature. I wanted the Chief to look at it first. We talked to the Officer in Charge of the Housing Police and he presently has the capability to get the information out of his terminal that the Housing Authority needs, and that's even going to be improved upon within the next couple of weeks, so the answer is, that the information is available to them, mayhap some Staff member of the Housing Authority just didn't get together with the right other Staff members with the right information for their leadership."

Commissioner Murphy: "For their purposes. Okay, thank you very much. I will be interested in seeing that."

Commissioner Sanchez: "Mr. Chairman, if I might, I would like to bring up at this time if it is within, you know, the parameters of the Commission, a number of information items that I feel should come under the Chief's report to the Commission and that pertains to educational training of Police Academy and collaborated efforts with the San Francisco Unified School District. Unfortunately, as we all know, there was a tragic incident that took place yesterday at Unity Jr. High School in the Mission District, where a 15 year old young male named Ernesto Apodaca was killed, and unfortunately, it brings to mind against the importance

of our so-called institutionalized isolation. Far too often our institutions are competing against one another rather than trying to work collaborately towards positive constructive areas for kids in opportunities in reference to law enforcement and prevention. In a number of dialogues with some school board members and staff at the Unified School District, along with the Chief and also Deputy Chief Mullen, I would like to suggest that through the Chair that you appoint a committee of this body so that we might pursue further with the Chief and Deputy Chief, further areas of exploring ways to break down this institutional isolation as it pertains to collaborative efforts in training. We feel, many of us, that we are dealing in a key area of prevention and that through the Police Academy and through police training, we can explore in a positive model and develop a curriculum which will better service the break down of institutional life between the schools and law enforcement. Both institutions are ready to move on this and now they would like a formal request from the Board Presidents of both bodies to pursue this and to see if we can't bring back to the Commission and to the Board of Education a number of options, hopefully within the next 30 days as far as how we might begin to work towards prevention and also the area of perhaps better institutional collaboration. I would like to request that through the Chair you appoint a Task Force or committee or whatever you wish to call it in order to work with the Superintendent of Schools and members of the Board of Education so that we might pursue this as soon as possible."

Commissioner Siggins: "Commissioner Sanchez, could we ask you and Commissioner Toler to serve on that committee?"

Acknowledgements of yes from Commissioners Toler and Sanchez.

Commissioner Siggins: "Could the Department also assign Deputy Chief Mullen to work with them on that committee?"

Chief Gain: "Chief Mullen and I will work on that."

Commissioner Siggins: "Thanks, thank you Commissioner Sanchez. Anything more on the Chief's report?"

Chief Gain: "No Commissioner."

STATUS REPORT IN THE MATTER OF STATION OFFICER JERRY L. CLARK, SOUTHEAST POLICE STATION

Chief Gain: "Mr. President, may I take this opportunity,

we have, as I previously informed the Commission, hired two attorneys, non police attorneys, on our legal staff. Tonight Mr. Scott Rosien the man who will prosecute this case, happens to be here so I would just like to introduce Mr. Rosien to you."

The Commissioners welcomed Mr. Rosien as a member of the Staff.

RESOLUTION NO. 194-78

STATUS REPORT IN THE MATTER OF STATION OFFICER
JERRY L. CLARK, SOUTHEAST POLICE STATION

WHEREAS, the status report in the matter of Station Officer Jerry L. Clark, Southeast Police Station, was called; and

WHEREAS, it was requested by Station Officer Jerry L. Clark that his hearing before the Police Commission be continued until May 3, 1978; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Station Officer Jerry L. Clark, Southeast Police Station, is set for Wednesday, May 3, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 195-78

POLICE OFFICER EARL GENE COPELAND, NORTHERN POLICE
STATION

WHEREAS, on Tuesday, November 21, 1977, Charles R. Gain, Chief of Police, made and served charges against Police Officer Earl Gene Copeland, as follows:

SPECIFICATION NO. 1

Failure to report change of address.
(Violation of Rule 2.21.)

SPECIFICATION NO. 2

Failure to report absence from legal residence for a period in excess of 24 hours. (Violation of Rule 2.23.)

SPECIFICATION NO. 3

Failure to submit a certificate from

physician reporting fact of sickness. (Violation of Rule 5.51.)

and

WHEREAS, the Police Commission set Wednesday, April 19, 1978 as the date for the hearing on charges filed against Police Officer Earl Gene Copeland; and

WHEREAS, Chief of Police Charles R. Gain announced that the Police Department was in receipt of a letter from the Employees' Retirement System which stated that Police Officer Earl Gene Copeland received a disability retirement at the Retirement Board's Hearing on April 5, 1978, to be effective at the close of business on October 31, 1977, which retirement notification was accepted with the condition that the services of Police Officer Earl Gene Copeland have been unsatisfactory and that he does not retire in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Earl Gene Copeland, be, and the same are hereby continued off calendar.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

PUBLIC HEARING RELATIVE TO THE POLICE DEPARTMENT'S DECOY PROGRAM - CONTINUED TO MAY 17, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

POLICE COMMISSION APPROVAL OF CONSENT DECREE IN THE OFFICERS FOR JUSTICE LAWSUIT.

Commissioner Ciani: "I understand that this was added at the suggestion of the Police Officers' Association because they raised a question about whether the vote taken at last week's meeting was proper. I personally think that rather than bring it up in this manner we should consult with counsel and determine if there was anything improper about the manner in which we voted last time. So I would move to put this over until we have consulted with counsel."

Commissioner Siggins: "For the record we met with the City Attorney on a legal matter and then came out and reported on it and then voted on it and the meeting with the City Attorney was calendared as an Executive Session, so let's ask the City Attorney if....."

Commissioner Murphy: "I second Commissioner Ciani's motion."

Commissioner Siggins: "Okay, so....All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

ACKNOWLEDGEMENT OF CORRESPONDENCE

1. - Letter of April 6, 1978, from Mrs. Robert Bliss, requesting a red zone at her residence, 1728 Filbert Street, for the accommodation of her mother who is an invalid.
2. - Re meeting to be held on April 13, 1978, from 10:00 a.m., to 12:00 noon at Far West Laboratory, 1855 Folsom Street to develop a stronger working relationship between the Courts and Criminal Justice System. (Letter sent to Commissioners and Chief on 4-11-78.)
3. - Letter of thanks from Herman E. Gallegos.
4. - Letter from Civil Service Commission - in order to insure compliance with Title VII of the Civil Rights Act of Civil Service Commission directed that the City Attorney formally request of the Equal Employment Opportunity Commission an opinion letter signed by the EEOC General Counsel that the quotas encompassed in the proposed Consent Decree in the Officers for Justice v. City and County of San Francisco matter are lawful and required.

Chief Gain: "Before we adjourn I might report to the Commission that an arrest was made this afternoon at 4:30 in regard to the shooting yesterday at Unity School. Do you have any questions on that school matter?"

Commissioner Siggins: "I had heard that on the radio."

Chief Gain: "We have been having extensive meetings with Superintendent Alioto's Office. For example, we met at the Superintendent's request on the fourth of April and his Staff and Police Staff and we developed a real sound program of patrolling on and near high schools and at that time we designated officers to be permanently assigned until as at such time in the future that we discontinue it, to Washington and Gallileo and then effective Tuesday of this week, we assigned an additional five officers to five more high schools that are identified as problem schools and now we have 7 schools where we have officers on sight adjacent to the schools because of the violence that has occurred and potential for problems. The main thing that we have identified as the problem thus far is not the students at the school, but rather the non-students who are loitering around the schools and visiting the schools."

Commissioner Ciani: "I was wondering about that because I heard your radio interview this morning and you suggested as some of the measures that might be taken, routine inspections of lockers and some kind of an airport-type of check in system."

Chief Gain: "KCBS raised that and I rejected that."

Commissioner Ciani: "Oh, I thought you had left that open as a possibility, but you don't expect that you would turn up any weapons in the schools?"

Chief Gain: "Absolutely, they would be turned up in the schools."

Commissioner Ciani: "You think so?"

Chief Gain: "What I said this morning is that a preventive measure would be based upon specific circumstances of locker searches and vehicle searches because there are weapons at schools. Weapons are being carried either by students or by non-students who come on the campus but it has to be based upon specific circumstances, not any routine search and at our meeting on the fourth of April, that was discussed and Superintendent Alioto stated that the Principal would, based upon specific circumstances, have to evaluate whether that should be done or not. It is not unrealistic if information is obtained, specific information, that a particular student has carried a gun and it's in the locker or a knife, that that locker be searched under the rules and the law. That's one preventive measure that could be taken."

Commissioner Ciani: "Well, but being juveniles, would they not be subject to some kind of criminal citation or arrest if they are carrying weapons?"

Chief Gain: "Oh certainly, the assumption would be if they identified a student carrying a gun or a knife unlawfully, that they would call the police and certainly appropriate arrest or citation action could be taken. But there is one thing that we discussed that one measure of prevention that could be taken under various specific circumstances."

Commissioner Ciani: "Well, as it is now, do you often get that kind of report that there is a student with a knife or a gun and do you send somebody out to take action or is it just tolerated?"

Chief Gain: "It isn't too often that it is known. What we were discussing in our 4th of April meeting as what I was suggesting this morning to them at KCBS, they were asking what preventive measures could be taken. Well, that was one that could be taken under very specific circumstances that would justify a search. Now we are not getting very many reports now. I think the practice of persons carrying guns is not an uncommon one and the concern again is with the non-students and not with the students. The majority of students are not a part of this problem. The problem as we identified it this far are non-students who are loitering on the campus itself or adjacent to it, particularly at noon time who may be engaged in such acts as selling drugs, narcotics or something of that nature and soliciting members perhaps to become gang members and things of that nature. That is the problem that we are addressing. When we increased our efforts at Washington and Gallileo with the Gang Task Force also involved, we have for example, in ten school days since then made either arrests or citations of 25 in total. So there is a problem and we are addressing that problem."

Commissioner Ciani: "Those were arrests or citations for carrying weapons?"

Chief Gain: "For loitering."

Commissioner Ciani: "Well what about for weapons, you really don't have very many of those instances, is that what you are saying?"

Chief Gain: "Not that we detect. The only thing that we are saying is that we know that some number of students, we don't know how many, do carry weapons, so the whole idea of that is that we would have knowledge that that is going on so to the extent then that there is a specific identification of a student, we would have to get information that he might be carrying a weapon or put their weapon in the locker and there is specific justification for a search that the search could be and would be undertaken. That's the whole thing."

Commissioner Murphy: "Why do you have to have a specific identification, you don't have to be specifically identified when you walk through an airport and have a test made of whether you are carrying a weapon or not?"

Chief Gain: "Well, you cannot indiscriminately search students as you cannot indiscriminately search adults off of a school site. You cannot indiscriminately search students lockers."

Commissioner Murphy: "Not lockers, I am talking about them, their persons."

Chief Gain: "You can't indiscriminately search their persons either. It isn't even justified under the circumstances to indiscriminately search students because again a majority of students are non-involved, they are going to school....."

Commissioner Murphy: "Even if you set up...well a majority of airport passengers aren't involved either."

Commissioner Ciani: "No, but Jane, I think there is a Federal Law that sets up the airport....."

Commissioner Murphy: "Yes, I know, but if you did it as completely logically like you do downstairs, just let the people walk through there, everybody walks through it."

Chief Gain: "If we do what we are doing downstairs, then it will be totally ineffective. That's totally ineffective downstairs. The whole point is this, this morning KCBS asked me if I thought it would be a good idea to get into the airport security measure and I said absolutely not, that there is no justification for that. Now the hijacking experience in the airports throughout the country justified that extreme measure. And as we know, that was a very extreme measure and it still is, but the circumstances justify it. In our schools it is not justified because a majority of students are good students whose behavior is appropriate. It's a very minimal number of students who are a problem and then again the predominant problem is not students at all, but non-students. So it is not realistic to go into that."

Commissioner Sanchez: "Chief Gain, if perhaps I might respond a little bit to your comments. I, you know, I think certainly that the overall idea that the majority of kids are good kids within these schools. I have difficulty in perhaps in saying that we have too many non-students who are on campus, the fact of the matter is, and I think if there were a check at some point, many of these students have been suspended and are truants, are suspended and whatever. It's a vicious circle! The

fact of the matter is there needs to be a number of creative, meaningful, positive responses involving the various communities, which in essence, will hold the public schools and us accountable as basically public institutions. Identifying the polarization, I can remember a number of instances having spent a number of years on the School Board and having my three children attend public school today, where incidences took place within, particularly Everett Jr. High School and the Tactical Squad and a number of other cases in Mission Dolores Park that need not have taken place had there been proper training and prevention and community involvement. A number of years ago the Community Relations Department of the Police Department was probably one of the key variables in diffusing the number of these gang fights and/or isolated incidents that happened. I don't know what the status is at this point, but I do feel that there has to be more community involvement, more community preparation, both in reference to the schools and to us as a public agency. Again the fact of the matter is, that is you take a look at Log Cabin and Hidden Valley, which are two schools run by the San Francisco Unified School System, you will see that roughly 80% of the kids that go there are roughly 3 to 4 grades behind in reading, math and whatever, and most of the kids you find out on the streets are there because of or inspite of the school. So the problem is not a need of the school departments or ours, but many of our institutions. Together, we are either going to have to sit down and work collaboratively with the communities, and try and generate a number of collective options or else we are going to have more polarization, more isolation, and hopefully, you know, you know, not more tragedies such as what took place yesterday."

Chief Gain: "Of course, I don't disagree at all, I just didn't speak to that broad of matter because that is not within my province. At the fourth of April meeting, again it was called by the Superintendent of Schools, he did address that matter of community participation and he has since, we had a meeting this morning and I understand that now they are in the process of identification of community group agencies in order to get their involvement. So that's something we would be involved in, that process, but it's not our responsibility, as you well know, to initiate it. As far as the Police Department is, in fact, open to all citizens groups. We have great numbers of persons who come in, we can never have enough, I guess. I think it was at one point where we had too much, yes, but I agree with you wholeheartedly as far as Community inner-action."

Commissioner Siggins: "Anything else?"

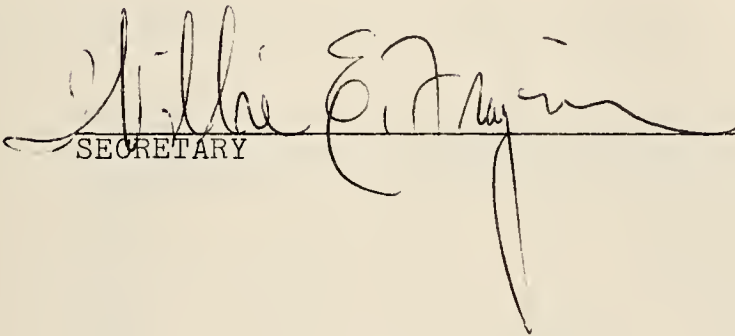
Commissioner Ciani: "I move we adjourn."

Commissioner Sanchez: "Second."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

The Commission adjourned its meeting at 1855
hours.



SECRETARY

26 APRIL 1978

REGULAR MEETING

Minutes
The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on wednesday, April 26, 1978, at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

JUL 31 1978

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1301 HARRISON STREET - ARROW PAPER CO.

- a) At 1301 Harrison Street, install a 22' green zone, extending from 21' to 43' east of west building line.

AYES: Commissioners Ciani, Murphy, Toler, Siggins

NAYS: Commissioner Sanchez

4041 - 5th AVENUE - GEARY FORD

- a) At 4041 - 5th Avenue, install a 45' yellow zone, to extend from 27' to 72' east of west property line.

333 TURK STREET - NORTH OF MARKET, SENIOR SERVICE CENTER

- a) At 333 Turk Street, install a 22' white zone, to extend from 6' to 28' east of west property line.

1010 GOUGH STREET - FAMILY SERVICE AGENCY OF SAN FRANCISCO

- a) At 1010 Gough Street, install a 22'

white zone, to extend from north
property line to 22' south of same.

715-717 VALENCIA STREET - CHERINS APPLIANCE
STORE

- a) At 715-717 Valencia Street, install
a 36' yellow zone, extending from
south property line to 38' north of
same.

531 MCALLISTER STREET - SAN FRANCISCO MUSEUM
OF ART

- a) At 531 McAllister Street, extend present
36' yellow zone another 18' to extend
from 83' to 101' west of east line.

1015 STOCKTON STREET - MAY SUN GROCERY

- a) At 1015 Stockton Street, revoke existing
31' Special Truck Loading zone, extending
from north property line to 31' south of same.

1800 BUCHANAN STREET - AMERICAN FISH MARKET

- a) At 1800 Buchanan Street, revoke existing
20' green zone, extending from 10' to 30'
north of Sutter Street.

3611 - 19th STREET - TANIOS HABOEB GROCERY STORE

- a) At 3611-19th Street, revoke existing 21'
green zone, extending from 15' to 36' west
of Guerrero Street.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

REVOKED

RESOLVED, that the recommendations of
the Traffic Bureau on the revocation of 72 feet
of yellow and green zones, at the parts of the
City, at the locations submitted, be, and the same
are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 203-78

RICHARD HANDEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Handel against the City and County of San Francisco in the sum of \$22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Captain John F. Shine, Richmond Police Station, for service, effective March 8, 1978.
- b) Captain Thomas N. Prevezich, Mission Police Station, for service, effective March 1, 1978.
- c) Sr. Clerk-Typist Dorothy E. Michaels, Support Services Bureau, for service, effective March 1, 1978.

The communications were ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 204-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same are hereby approved:

Civilian Communication Dis-	)	(Radio Dispatch
patcher Robin Colvin	)	\$234.00 (Complaint Desk
	)	each (Operator Train-
Civilian Communication Dis-	)	(ing Course at
patcher Kathleen M. O'Connell)	)	(Sacramento, Cal-
	)	(ifornia, from
Civilian Communication Dis-	)	(March 13, 1978
patcher Corinne Quintana	)	(to March 17, 1978,
	)	(inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

WEEKLY SICK REPORT

PREVIOUS WEEK

Daily average for the week		
sick	57	57
Daily average for the week		
disabled	<u>91</u>	<u>88</u>
TOTALS	148	145

This is an increase of three (3) members off duty daily from the previous week.

Daily percentage for the week sick	3.10
Daily percentage for the week disabled	<u>5.48</u>
TOTAL	8.58

Disabled at the start of the week	88
Started during the week	23
Returned during the week	17
Disabled at the end of the week	94
Net Gain or Loss	+6

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, APRIL 5, 1978 AT 2400 HOURS:

Daily average for the week sick	88
Daily average for the week disabled	<u>88</u>
TOTAL	176
Daily percentage for the week sick	4.03
Daily percentage for the week disabled	<u>5.33</u>
TOTAL	9.36

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
FEBRUARY 28, 1978 AT 2400 HOURS:

Daily average for the week sick	57
Daily average for the week disabled	<u>101</u>
TOTAL	158
Daily percentage for the week sick	3.38
Daily percentage for the week disabled	<u>5.63</u>
TOTAL	9.01

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

The members of the Commission and the Chief having received and returned amended copies of the minutes of the meeting of March 22, 1978, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, it is a distinct pleasure for me tonight to acknowledge the work of Lieutenant Dan Murphy, Inspector McKenna and Inspector Schneider who are members of the Gang Task Force. They have been working, as we know, for months on the various gang activities and working many hours of the day and weekends. So I wanted to have the opportunity to commend them personally in front of you and I am sure you would join in that commendation. Lieutenant Dan Murphy, Inspector John McKenna, Inspector Ron Schneider, you are doing an excellent job and this is one of the ways, while you are still in process of doing that job of bringing it to a completion, to acknowledge your good work. It's really appreciated."

Lieutenant Murphy: "Thank you, Chief. I would like to say a word Chief, if I might?"

Commissioner Siggins: "Fine, Lieutenant."

Lieutenant Murphy: "Along with that, at the same time I would like to say that we appreciate the confidence and support that Chief Gain extended to us during this investigation and the Commission. It made our job a lot easier. Thank you."

Commissioner Siggins: "Thank you very much Lieutenant Murphy."

Commissioner Murphy: "I just think it is absolutely marvelous what you've done and I am so proud every time I pick up the paper I find something new and different that you have done and it's wonderful. Thank you very much."

Commissioner Ciani: "I think it's difficult for anyone of us to express how much the public appreciates the excellent job that you have done in this case. I think it represents a tremendous breakthrough in many respects, in respect of relations with the Chinese Community and relations with visitors who come to this city and who were led to believe that we couldn't control this kind of crime in the city. I can't tell you how much we appreciate it and commend you for this excellent work."

Commissioner Toler: "I would also like to echo the remarks of Commissioners Murphy and Ciani regarding your efforts and hard work you have put forth in that community. I am sure that this kind of thing has been very awarding to all of us here in San Francisco and we would just like to congratulate you again for your efforts and hard work. Just keep up the good work, believe me."

Commissioner Siggins: "The job is not over yet."

Chief Gain: "That is why I said it is a commendation while the work is still going on. This, of course, is to provide inspiration for the 19th hour of each day that they work. 18 they take for granted, now the 19th."

Commissioner Murphy: "I thought it was the 75th hour this week."

Commissioner Sanchez: "So, basically, we could give them like, 'a job well done.' Could I ask something through the chair? If I remember correctly a long time ago when I was in Naval Air and on aircarriers, and if some squadron came in with outstanding performance, or some unit, or ships, we would always fly an E flag or the squadron would have whatever I assume that may be, you know, we have some sort of, I would guess recognition through the department whereby outstanding above and beyond work would also be cited....."

Chief Gain: "Yes, there is a mechanism for that, of

course more official recognition, but they have done such an excellent job that I thought we would bring them here tonight and pat them on the back."

Commissioner Sanchez: "Well, thank you Chief."

Chief Gain: "I've nothing further to report unless you have questions that I may answer."

Commissioner Siggins: "I don't have any questions Chief."

Commissioner Ciani: "I don't know whether you want to summarize the situation with the budget for the benefit of everyone or for some of us."

Chief Gain: "Well, I could. We have had two meetings with the Finance Committee and the way it stands now they have approved the majority of the items that we asked for in our budget. However, the Finance Committee did note to delete some significant items, for example, the position of Commander that we had requested. And then, very significantly, positions of Operation Analyst in our Planning and Research Division that we need badly, a Department Personnel Officer and Personnel Analyst and what was demonstrated, we concluded, after an in-depth conversation with Finance Committee members, what was demonstrated is that they don't recognize a large organization and complex organization that we are running, and for that reason, deleted the Personnel Officers that we need so badly. We are hoping, perhaps, that we can make ourselves better understood as far as the need to the full Board and bring about these positions being funded. Then, regretfully, as far as our 16 clerks that we wanted to hire to implement our Police Service Aide Program, they voted to delete those, and that's very significant because as we know if we could get these positions funded, the 16 positions, then we could start the Police Service Aide Program and pick up the equivalent time of 16 officers on the street for more critical policing task, because the officer would be free from subpoena service and several other things. Then the Finance Committee chose not to fund the psychological services contract that we wanted, \$30,000, because they were not convinced of the need for those services even though, in fact, we explained that we have them now. So, in total, we did get the majority of our request through the Finance Committee, but then we felt that each request was justified and we intend, if we can, to prevail upon the full Board to overcome the action by the Finance Committee and get all of these positions funded."

Commissioner Murphy: "Chief, excuse me, they also did not fund the OCC?"

Chief Gain: "No, they did not. I did not omit that deliberately, I just did not....."

Commissioner Murphy: "I understand."

Chief Gain: "By a 2 to 1 vote, and I guess everything I referred to is by a 2 to 1 vote that they did not fund those."

Commissioner Toler: "Do you have any plans Chief as far as getting this before the full Board?"

Chief Gain: "Well, yes, by talking with individual members as can be done, as may be appropriate. Also, next week we intend to write a letter to the full Board relating what occurred, and again, reviewing briefly, the justification in making the full Board aware of the deletions and of our dire need for them."

Commissioner Ciani: "If the Board was willing, in principle, to accept the concept of civilianization, if we call it that, then why were the Police Service Aides treated differently from the other civilianization positions?"

Chief Gain: "Well, the police conversion program whereby we will hire 97 non-police persons to replace 97 police officers who will get into the street. It's a little different in that that was a specific program. The Police Service Aides was in a different category and it's not a one to one situation, that is, when we hire one clerk we don't free one full time officer, it's equivalent time of 16 officers that would be free. So it's not exactly the same type of program."

Commissioner Ciani: "Was that distinction made by the Board? Did they give any reason for cutting that out?"

Chief Gain: "I am glad you asked that because the policy stance of the Finance Committee was to fund the conversion positions and not to fund any additional positions beyond that. So it was just a flat policy thing, so any new position, sworn or non-sworn, that was outside the conversion program, the policy was not to fund it and they stayed with it. At one point they did agree at least 2 to 1 to fund the Personnel Administrative Officer and one Analyst. They did agree to that 2 to 1, but when they found out that the Personnel Officer would not be in charge of all non-sworn personnel 500, which demonstrated a lack of knowledge of the position, then they voted the other way and deleted it. So we almost had it."

Commissioner Toler: "How much time do we have before we must convince them that we need this?"

Deputy Chief Mullen: "By Saturday, for the Finance Committee and beyond that the process will take approximately a month. I don't have the specific date."

Chief Gain: "They have to adopt by June 1, 1978."

Commissioner Murphy: "As I witnessed and followed the proceedings, I think it was a lack of understanding more than anything else. It just seemed to them like an awful lot of clerical help. For example, the 16 clerks requested. I think you are perfectly right in the first place that they really don't understand the complexities of running a department of 1700 employees and that was mainly the reason. I think that the full Board, hopefully enough of them, will understand that this is a complicated operation and it takes a lot of personnel to run it the way everyone wants it run."

Commissioner Siggins: "Who wants to make the 10 cent phone call to the President of the Board of Supervisors that she will not vote for the Police Budget as it is now constituted because nobody told her about the changes that she said she heard just before the Finance Committee last Thursday, whereas there was a letter directed to her on April 7th, and then she said if somebody could have called; I would've called, do you think we still.....could someone call and tell her that we have explained it once again? I think she has been unfair to us."

Chief Gain: "Well I,.....yes, someone could call, someone could, but I think that was pretty thoroughly explained Monday night."

Commissioner Murphy: "I think Monday night at the open hearing of the Board, it was very clearly explained and she didn't repeat her allegation about being 'betrayed.'"

Commissioner Siggins: "I thought she did."

Commissioner Murphy: "Well, I didn't think she repeated it, did you?"

Chief Gain: "Well, she said no one called her. But I thought that a hand-delivered letter on April 7th to her office, was even more attentive and considerate than a telephone call."

Commissioner Siggins: "Then you thought you might get a call in response to the letter."

Chief Gain: "I assumed on April 7th, because there were problems relating to the Supervisor, that when that was hand-delivered I would receive a call. When I didn't receive a telephone call on or after April 7th, I assumed it had been read and that there were no disagreement to it. In fact I had, otherwise I would have called on the telephone. Because the subject matter was so significant and of concern to her that I thought certainly her staff, who received the letter, would immediately recognize that I brought to the Supervisors attention. So that was unfortunate that....evidently she did not have it brought to her attention."

Commissioner Siggins: "Isn't it true Chief, that when the time comes where we can't properly train additional Q2 officers that we will be asking for a Supplementary Budget to do so?"

Chief Gain: "Yes, the way we see it, because of our present backlog of training, that is 197 projected vacancies, it will take us, as we see it now, until the end of next fiscal year to get rid of that backlog, so that in ensuing fiscal years then, we could accommodate the hiring of additional personnel a 100 or more a year, because then a substantial backlog would have been eliminated. Attempts have been made to explain that, apparently that is not understood."

Commissioner Ciani: "I think it is difficult for the public to understand why the department is reluctant to take new personnel when they may be available. It's hard to explain that we have struggled so hard to institute these training programs which have now been recognized as model programs and which represent the standard of quality we are trying to establish for the department and that to depart from that standard of quality is not to serve the public interest just for the sake of adding numbers."

Chief Gain: "That's true and, of course, there is more than that. In addition to that, there is also a matter of sound management practice. When we are confronted with, 1, assuming our budget improved, placing 97 full-bodied policemen out on the street with our conversion program after the first of July and also filling these 197 vacancies and then all through next fiscal year putting additional police officers on the street. I feel strongly that we have a management obligation to do that first, then determine, based upon the effectiveness of those personnel, the result we get, to determine the need to hire additional personnel. If we just assume now

that, well we have 197 vacancies we will fill those but let's go ahead and ask for 100 more, that isn't sound management, that is a disservice to the taxpayers and not only that the additional factor is beyond our training capability, we may well exhaust every eligible person on our present eligibility list, which is about 240 and that list is now ending it's fourth year. As we get lower on the list the people no longer want the job. They have other jobs or whatever it may be. So it might well be that we would exhaust that list and then a question comes how, so can the Civil Service Department establish another Q2 list, and information that we have received previously is that they might not certify another Q2 eligibility list until June or July of next year. That means the end of the ensuing fiscal year so all of these things are factors. So I think that our position is a very responsible one. And this matter of training capability, I have thought about it and again today, I feel emphatically that we should not sacrifice, cannot sacrifice, the quality of our recruit school, 17 weeks, and our field training officer program by going to some lesser program in order to hire additional personnel if that were the only factor that we had to entertain, because in the long run it's going to adversely affect the quality of police personnel that we hire, and the quality and quantity of relationships with the public in delivery of police services."

Commissioner Siggins: "We are talking about training 197 next year June 26th."

Chief Gain: "Commencing with June 26th, we will hire 60 and then thereafter, if we are programmed, that between June 26th this year and of next fiscal year we will have trained 197 personnel. That is a terrific training....."

Commissioner Siggins: "We have not trained that many within the department in recent years, is that correct?"

Chief Gain: "No."

Commissioner Siggins: "Okay, Lieutenant Richard Klapp made a presentation to the Board of Supervisors at your direction Chief, and he talked about, you know, the capabilities as a training officer. You have told us that you have discussed this with other people in the training program, do any of them disagree with the idea that we cannot train....."

Chief Gain: "Our Training Staff? No one disagrees. In fact, I met with them this morning at 8:30 again and we reviewed it and the Training Staff is very dedicated and absolutely convinced that we cannot

change our present training program which hasn'tit's been validated now and they tell me the first one in the state that if we do we are going to diminish the quality of the officers we are producing. They are quite adamant to the extent that if we force training on a different training format and decrease the quality, I might have to find a whole new Training Staff."

Commissioner Siggins: "Now Chief, we know that some of those people in the Training Staff are members of the Police Officer's Association, it might not make any difference to you but knowing that some are in that Association, the President of the Association tells the Board of Supervisors and others, the public, that we can train 300 a year within our own Academy. I mean how do you solve that dilemma?"

Chief Gain: "Do you really want me to respond to that? I will respond to it anyway. Monday night the President of the Police Officer's Association, for those of you who were not there, made the statement that we could train 170 police officers by the end of 1978. And that we could train all of our projected vacancies plus 100 more, or whatever, and obviously he doesn't have the credentials to state that. He has not had the training experience and he doesn't have the credentials. So he hasn't talked with me to tell me how he could magically do that. There is no way that we could do it."

Commissioner Siggins: "Okay, but I know that two of the Commissioners are involved in education and you have discussed training with them, have you not?"

Chief Gain: "Yes, we met Monday afternoon for over an hour and they met at my request and I was really gratified because they had not been here earlier during some of our budget deliberations and I thoroughly explained it and I think they agreed with the reasons why we could only train so many, of course they speak for themselves."

Commissioner Murphy: "One of the statements that was made at the hearing by the Police Officer's Association was that it would be impossible to get enough officers to participate in the Extended Work Week operation. And I know that since many of the officers do have secondary employment which doesn't pay nearly as high as the Department e.g., the Bank of America I know doesn't pay as high, why the officers wouldn't want to work an Extended Week. How much of a job would it be to send a questionnaire around and ask how many would be willing to participate in the Extended Work Week operation, or is that possible?"

Chief Gain: "Very possible, very practical, but I am very concerned right now that the Police Officer's Association would do everything possible to get a negative response. The stance of the POA I think is one of wanting the newly hired policemen and they would be very un-cooperative and I think try to defeat any questionnaire among their members as far as positive response and I think that would be just a logical thing for them to do now they would not be....."

Commissioner Murphy: "Yes, that is what I was afraid of, yes."

Chief Gain: "Not only that, with the EWW Program, overtime program, whereby we would have 100 officers on the street all year long, we feel, one, that numbers would work it because Deputy Chief Jeremiah Taylor relates to me, and has done in memo, and related to Chief Mullen just this week, or last, that he gets numerous requests and repeated requests for overtime money allocations to the district stations, which allocations we can't give now because we are near the end of the fiscal year and don't have the funds. So that's one indication that they want more overtime. Now secondly, we have 3 to 4 hundred police officers working overtime, secondary employment rather, off duty jobs. And we are convinced that because those off duty jobs probably pay, say 5 dollars on the average as compared to 9 dollars direct salary that they would get working police overtime, that if they were assured, guaranteed, that they would be with the 100 working 5 days a week all year long, that they would quit the secondary jobs and take jobs for 9 dollars an hour on police overtime. We are pretty convinced that that is what would occur. Because why make 5 when you can make 9 and be assured of employment all year. So, that in a word, we feel strongly that the EWW Program is the most realistic alternative we could come up with and the officers would work overtime. We have no way of saying for sure, of course, that 100 would every day. But we could certainly exhort them to do so and we feel that great numbers would."

Commissioner Toler: "I have one question Mr. President, regarding the conversion program. The 97 officers that you will get back on the streets as far as replacing those officers now, how much time does it involve as far as Civil Service Examination and this type of thing to follow through?"

Chief Gain: "Well, the way that the budget program is that we will not hire all at one time there is going to be 25 hired at designated times, so for example, on 1 July we will hire the 1st 25 non-sworn persons, so between now and one July, we can, there is no classification....there are already classified positions for those positions."

We have no trouble on 1 July for hiring the 1st 25, then we wait approximately 4 months to hire the second 25, so it is staged in quarters, it will be 4 quarters, we will have no problems in filling those 97 positions as far as Civil Service is concerned. There is only about 6 classifications that where we have to.....there is no classification now and we have to go through classification studies. Only 6. About 30 positions are involved in the 6 classifications, but we've already conferred with Civil Service and we feel confident that we will have no blocks on hiring of non-sworn personnel."

Commissioner Toler: "It will take you approximately 1 year to complete this program."

Chief Gain: "Eight months."

Commissioner Toler: "25 the first of July and the 4 months thereafter....."

Chief Gain: "You see on the first of July we anticipate we will, in fact, hire 25 then we wait 4 months and hire 25."

Commissioner Toler: "And 4 months later, and 4 months later."

Chief Gain: "Right."

Commissioner Ciani: "Could you explain on the question of a new Civil Service List for Q2's, how does Civil Service time the giving of a new exam? Do they wait until the list is exhausted, or if it appears that funds have been budgeted sufficient to nearly exhaust that list, would they then give another exam so that there is not a gap between the exhausting of the current list and the availability of a new one?"

Chief Gain: "Well my understanding is that, historically, there has been a substantial lag time between the expiration of, and the establishment of a new one, is that right?"

Deputy Chief Mullen: "Yes, that's correct."

Commissioner Ciani: "But wouldn't it be possible to give it sooner?"

Chief Gain: "Well we have already asked...the Commission went on record and by resolution asked the

Civil Service Commission to....in view of the fact that the present Q2 list is expiring May of next year to expedite the establishment of a new list and we asked them to have a new list certified and ready to go at the expiration of this list so that it would dovetail and Civil Service, for various reasons, have not been responsive, that is not the plan."

Commissioner Ciani: "Well is there anything, is there any legal reason that they can't do that?"

Chief Gain: "I think it is a work load reason, I think it's work load, they, in fact, have been inundated with additional work in relation to the OFJ Suit as we have, and that's a factor, and so I think as far as budget they haven't had budget either. But I think it is mainly a matter now of workload, that they have all of these various examinations scheduled and certainly they are sensitive to need for a new eligibility list but just by way of scheduling, they apparently can't do it. Apparently can not do it."

Commissioner Ciani: "That's too bad, thank you."

Commissioner Sanchez: "Chief, could I ask you a question, please, pertaining to the Budget cutbacks as you said initially? It seems to me that part of the rationale in reference to the training component was using our academy and the fact that, what, we are roughly training plus or minus 150 per year with a Core Staff of 5; but then you have part time, those who come in as faculty and probably up to 57, in comparison to what I believe the Los Angeles Unit is, who trains 300 with Staff of almost 200 in a component. As I was looking through the blurb sheet we got, I saw a training officer was cut out from the budget. I wondered if, indeed this...this position was part of the academy or, if so, it didn't seem to make much sense because, basically, on one side of the aisle you are saying that basically, we should increase the number of perhaps Q2's and also the number of training capabilities and on the other side they are also cutting out training components, namely training officers which would probably limit the number that we are now producing anyway and I wondered if you had any response on that or is there any justification for that?"

Chief Gain: "Yes, well first if I may, as far as numbers, present staff is adequate given the overall capability to train, because I have always said I would double or quadruple the Staff. The idea behind the training officer which is Civil Service Classification, one, we wanted training officers to undertake task to free up training officers for more critical teaching task or whatever it might be.

That was one idea. But principally, the idea was to do something to train the over 500 non-police personnel we have. No training programs for them at all in the police department. And what usually happens and I guess in every police department is all of the emphasis is on sworn personnel. So there would be....We could have training officers for example complete lesson plans for the sworn officers who were teaching and standardize lesson plans and do a lot of tasks that the sworn officers do not have to do, and again, it's remarkable that the Finance Committee, here we are talking about hiring new policemen, and talking about training capability and out goes the positions. But as I stated, it was a policy decision, really no new hires and that's a real blind type decision they just don't recognize that we have a large outfit to run, particularly on that training. If I may under my report, I would like to call up Lieutenant Scheffler, Bill?"

Deputy Chief Mullen: "And also Sergeant Donald Blaine, Officer John Bloesch and Officer Donald Hensic."

Chief Gain: "Bring you staff up and also we have two Inspectors too."

Deputy Chief Mullen: "Okay, Inspector Larry Pasero and Inspector Vince Cisneros."

Chief Gain: "If I may Mr. President, Commissioners, I introduced to you previously Lieutenant Dan Murphy and two members of his staff in regard to the excellent work that the Gang Task Force is doing. Lieutenant Scheffler and members of his Staff and Inspectors are the one's responsible for the apprehension of a robber known as the Brown Bag Robber. Some 54 incidents occurred over a considerable period of time, very frustrating to police personnel. These gentlemen, particularly the ones under Lieutenant Scheffler's leadership and direction, did some staking out and surveilling and finally apprehended that robber. So Bill and gentlemen, I wanted to have you here tonight so I could personally commend you and also give the Commission an opportunity to comment and know how much we appreciate your efforts."

Lieutenant Scheffler: "Thank you Chief, but the real work was done by these Officers here, Sergeant Blaine, Inspector Pasero from the Robbery Detail, Officer Hensic and Officer Bloesch. They put many, many hours into planning. The subsequent capture was the result of an alternate plan. He (suspect) didn't hit a bar that we were staking out, we put a lot of work into where this guy might be going and he hit a bar that we weren't staking out and the officers put in the alternate plan that they devised and the capture was made. I think it was great work."

Commissioner Sanchez: "I just want to say outstanding, and it's really a fantastic amount of cooperation and dedication, and you put in many, many hours, but believe me, it really makes a difference and you certainly are to be congratulated for your teamwork and for your alternate plans and implementations, and so, as one Commissioner, I would like to congratulate you along with my Colleagues."

Commissioner Ciani: "Well, we are very grateful for your work and you must be immensely gratified yourself to see the success of your efforts. What is the period of time over which the Brown Bag Robber was doing this operation?"

Lieutenant Scheffler: "From January 22, 1977, I believe he hit his first bar."

Commissioner Ciani: "So it has been over a year and you have been working on it all of that time. That is a lot of dedication and we are very, very proud of you, thank you."

Lieutenant Scheffler: "This was costing the Police Department on an average of 65 hours a night on stake-outs during the last few weeks. Every night, every bar was being covered."

Commissioner Ciani: "Well, it's remarkable work."

Chief Gain: "Well we had mentioned to the Commission before with our most sophisticated Crime Analysis Function now we are setting more priority, we are targeting on specific type crimes. Now efforts were made before but now there is more emphasis and more personnel devoted to the more serious and repetitive crime and they undertook the action. I think the Inspectors had the responsibility since March of 1977 to bring about an apprehension but what happened is we got more consolidated efforts between the Investigators and the uniformed officers and got results."

Commissioner Ciani: "I am sure you have the gratitude of all of the barkeepers in the City. For small business people who have to keep their doors open to the public and know that there is someone out there who is likely to come in and hold them up, you have done a great service in relieving that anxiety for them."

Commissioner Murphy: "Could I ask, are you normally in uniform or are you normally in plainclothes?"

Lieutenant Scheffler: "We are in the Street Crimes Unit and we work in plainclothes."

Chief Gain: "They are at times involved in decoy operations."

Commissioner Murphy: "Well we certainly are grateful to you and I am sure all San Franciscans are. Get one of those and you have got a lot."

Commissioner Siggins: "Thanks a lot Lieutenant, Sergeant, Inspectors."

Chief Gain: "They are going to leave now because the next objective is the Presidio Heights Rapist."

Commissioner Ciani: "I notice that we have a report on a Pizza Robber. Has that person been apprehended?"

Chief Gain: "I might mention to you that every week now we have instituted what is called a Crime Review Committee meeting and it takes place on Thursday and we have the top brass there and then the particular investigators and so on and we review all of the crimes and get a status report of where we are on all of these serious crimes going on. Now I don't know about the Pizza thing, but we will review that Thursday and I will give a report next Wednesday. What we might do to prevent that crime is stop all making of Pizza in San Francisco, no, we will give you a report next week."

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Siggins: "Commissioner Toler chaired the last Awards Committee meeting and members of the Department were awarded Awards of Valor as follows: Two Gold, Two Silver, and 16 Bronze. We should now set a date for presentation of the Awards."

Chief Gain stated that he would give the Commission a status report as far as setting a date for awards presentation at next week's meeting.

RESOLUTION NO. 205-78

RESOLVED, that the following-named members of the Police Department, be, and they are hereby granted Awards of Valor, Gold Medal, Silver Medal and Bronze Medal, under the provisions of Section

5.119 of the Rules and Procedures of the San Francisco Police Department, as approved by the Awards Committee on Friday, April 21, 1978:

Police Officer Thomas A. Arnold....Gold Medal of Valor
Police Officer Steven R. Silvers...Gold Medal of Valor
Police Officer Stanley D. Harris...Silver Medal of Valor
Police Officer Kenneth E. Hartman..Silver Medal of Valor
Sergeant George F. Kowalski.....Bronze Medal of Valor
Police Officer Richard G. Bodisco..Bronze Medal of Valor
Police Officer Robert L. Brooks....Bronze Medal of Valor
*Police Officer John R. Chestnut....Bronze Medal of Valor
Police Officer George B. Cima.....Bronze Medal of Valor
Police Officer Brian M. D'Arcy.....Bronze Medal of Valor
Police Officer Stephen R. Gough....Bronze Medal of Valor
Police Officer Terry L. Hart.....Bronze Medal of Valor
Police Officer Henry C. Hunt.....Bronze Medal of Valor
Police Officer Comelia Johnson.....Bronze Medal of Valor
Police Officer Joseph C. Kirley....Bronze Medal of Valor
Police Officer Donald R. Read.....Bronze Medal of Valor
Police Officer Dennis M. Russell...Bronze Medal of Valor
Police Officer Theodore S. Schlink.Bronze Medal of Valor
Police Officer James B. Taylor.....Bronze Medal of Valor

*Awarded two (2) Bronze Medals of Valor

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 206-78

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following-named members of the Police Department have been commended for courageous service under the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission held on Wednesday, April 26, 1978; and

WHEREAS, Chief of Police Charles R. Gain has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officers Thomas, A. Arnold and Steven R. Silvers, be, and they are hereby awarded Gold Medals of Valor and granted a reward of \$200.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Police Officers Stanley D. Harris and Kenneth E. Hartman, be, and they are hereby awarded Silver Medals of Valor and granted a reward of \$100.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeant George F. Kowalski, Police Officers Richard G. Bodisco, Robert L. Brooks, John R. Chestnut (Awarded two Bronze Medals of Valor), George B. Clma, Brian M. D'Arcy, Stephen R. Gough, Terry L. Hart, Henry C. Hunter, Comelia Johnson, Joseph C. Kirley, Donald R. Read, Dennis M. Russell, Theodore A. Schlink, and James B. Taylor, be, and they are hereby awarded Bronze Medals of Valor, and granted a reward of \$50.00 each as provided for under said section of the Charter.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

STATUS REPORT ON THE REQUEST FOR PERMISSION OF THE POLICE COMMISSION TO MAKE FIVE (5) NON-CIVIL SERVICE APPOINTMENTS OF POLICE OFFICERS (Q2) TO THE RANK OF ASSISTANT INSPECTOR (Q35) UNDER THE PROVISIONS OF CHARTER SECTION 8.332. (CONTINUED FROM MEETING OF APRIL 12, 1978.) - CONTINUED FOR THREE (3) WEEKS.

Chief Gain recommended this item for a continuance of 3 weeks.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

STATUS REPORT ON THE PUBLIC HEARING RELATIVE TO THE DEPARTMENT STAFF PROPOSED MISDEMEANOR CITATION PROCEDURES. (CONTINUED FROM THE MEETING OF APRIL 12, 1978) - CONTINUED FOR THREE (3) WEEKS.

Chief Gain: "I recommend a continuance of three (3) weeks. The reason being this that we met with members of the Bar Association and others who were interested in making some changes in our proposed General Order and we received their changes and basically

what they want to do in regard to misdemeanor citations and where there is warrants outstanding or Traffic Warrants outstanding, is to have for example, someone is arrested it's found that they have up to \$300 in warrants, anything below that issue a citation. But now we find we have legal problems as far as law on releasing on a citation when the warrants outstanding as opposed to arrests and so on. So we are trying to resolve that legally and we have to resolve that and once we have agreed with them, one way or the other, then it has to go to the Police Officers and other Associations. So we figure it will take 3 weeks before we can resolve it."

Commissioner Ciani: "Is that the only open issue? Is that the only item that you are in disagreement on?"

Chief Gain: "Not really necessarily in disagreement, it is a matter that they made recommendations and then when we explored the feasibility for one, and then the lawfulness of doing it.... we have a legal block right now that we are trying to resolve. It's really a legal block."

Commissioner Ciani: "I am aware of that. I know that it is required by state law that you either get payment or you keep the person in detention."

Chief Gain: "For traffic warrants."

Commissioner Murphy: "I would like to ask, who makes the decision of whether it is legal or not, does it go to court or does it go to the District Attorney or....."

Chief Gain: "Well our Legal Staff has it right now. The law is clear....."

Commissioner Murphy: "Oh I see, it isn't a matter of interpretation of the law necessarily."

Chief Gain: "No, the law is clear."

Commissioner Murphy: "I see."

Commissioner Siggins: "Well we want to move it along, could we invite the Employees Associations to participate in those discussion?"

Chief Gain: "Certainly. Once we get it settled as to what we want then we can do it."

Commissioner Ciani: "Well if it's ready before then could we have it?"

Commissioner Siggins: "If we give them time and they say that they approve of them we can put it right on the calendar."

Chief Gain: "The Employee Associations did not object, last time, they didn't object and we would assume no objection this time but we just have to give that 10 day leeway anyway."

RESOLUTION 207-78

STATUS REPORT IN THE MATTER OF MICHAEL ALLEN WINN,
CETA #1404 CLERK, PERSONNEL BUREAU

WHEREAS, the status report in the matter of Michael Allen Winn, CETA #1404 Clerk, Personnel Bureau, was called; and

WHEREAS, it was requested by Michael Allen Winn that his hearing before the Police Commission be continued until after the criminal matter against him had been adjudicated; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Michael Allen Winn, CETA #1404 Clerk, Personnel Bureau, is set for Wednesday, May 17, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 208-78

STATUS REPORT IN THE MATTER OF MUNI SECURITY OFFICER
GROVER FORD.

WHEREAS, the status report in the matter of Muni Transit Security Officer Grover Ford was called; and

WHEREAS, Muni Transit Security Officer Grover Ford has requested that a date for the hearing be set after the criminal proceedings have been

disposed of in this matter; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Muni Transit Security Officer Grover Ford, be, and the same is hereby approved and continued to Wednesday, May 17, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

HEARING OF POLICE OFFICER MICHAEL MORRIS, PARK
POLICE STATION

The hearing of Police Officer Michael Morris, Park Police Station, was called, it having been set for this date. Police Officer Michael Morris was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Reflecting Discredit on the Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Misconduct (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Police Officer Michael Morris appeared in person and was represented by Mr. George J. Engler, Attorney at Law.

Mr. Scott Rosien, Attorney at Law, appeared as the Prosecutor for the Police Department.

The reading of the charges was waived.

Opening statements were made by both the

Prosecuting and Defense Attorneys.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Sergeant Thomas A. Morris
Northern Police Station

Edna D. Girard
973 Fell Street
San Francisco, Ca.

Ms. Doris Mansfield
973 Fell Street
San Francisco, Ca.

Sergeant David Sheehan
Traffic Bureau

The following-named witness appeared for the Defense, was sworn and testified:

Police Officer Michael Morris
Park Police Station

The following exhibit was entered into Evidence by the Prosecution:

Exhibit No. 1 - Accident report dated
November 11, 1977, prepared by Police Officer
David Baker.

The following exhibit was entered into Evidence by the Defense:

Exhibit A - Copy of complaint filed
in Court against Police
Officer Michael Morris by
Ms. Edna Girard.

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, and then recessed from 2129 hours to 2132 hours after which the following resolution was adopted:

RESOLUTION NO. 209-78

DECISION - HEARING OF POLICE OFFICER MICHAEL MORRIS, PARK POLICE STATION

WHEREAS, on February 17, 1978, Charles R. Gain, Chief of Police, made and served charges against Police Officer Michael Morris, as follows:

SPECIFICATION NO. 1

- a) That on or about November 11, 1977, in the early morning hours, while off duty, in civilian dress, and operating his personal vehicle, the accused had occasion to be in the vicinity of Scott and Oak Streets in the City and County of San Francisco;
- b) That at the above stated date and time, the accused became involved in a traffic collision with an unattended, legally parked vehicle;
- c) That the accused did not comply with statutes regarding leaving the scene of such an accident;
- d) That, by reason of such activity, the accused did engage in conduct which is proscribed by public policy and laws and in so doing the accused did reflect discredit on the San Francisco Police Department, which conduct did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, hereinafter quoted:

"2.13 Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 2

- a) That each and every allegation in paragraphs (a) through (d) of Specification No. 1 are incorporated herein as though fully stated;
- b) That after leaving the above-mentioned accident scene, the accused did pursue a vehicle occupied by three females;
- c) That the accused, without lawful cause or excuse did cause his vehicle to strike the pursued vehicle multiple times;
- d) That, by reason of such activity, the accused did engage in conduct which is proscribed by public policy and laws and thus reflected discredit upon the San Francisco Police Department, and in so doing, violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which is hereinafter quoted:

"2.31-Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, April 26, 1978, and that on Wednesday, April 26, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Michael Morris, Park Police Station, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Police Officer Michael Morris violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Michael Morris, Park Police Station, as contained in Specification No. 2, are sustained by the evidence presented at the hearing and that Police Officer Michael Morris violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Michael Morris has violated Specification No. 1, Section 2.13 and Specification No. 2, Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violations, Police Officer Michael Morris, be suspended for eighty (80) calendar days without pay, commencing Thursday, April 27, 1978 at 0001 hours, and terminating Saturday, July 15, 1978 at 2400 hours.

Recessess taken during the hearing
of Police Officer Michael Morris:

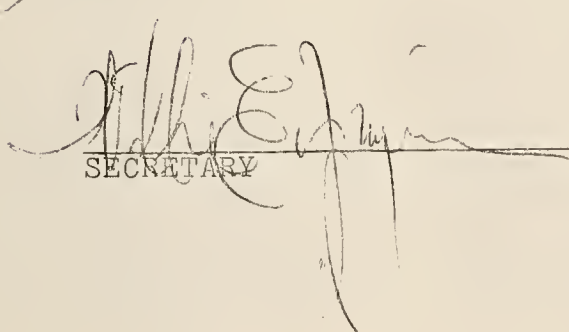
1950 hours to 2004 hours
2118 hours to 2125 hours
2129 hours to 2132 hours.

(The entire proceedings were taken
in shorthand form by Hearing Reporter
Nancy Inferrera.)

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

ABSENT: Commissioner Ciani

The Commission then adjourned its meeting at
2150 hours.



SECRETARY

3 MAY 1978

EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, May 3, 1978 at 1630 hours in Executive Session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins presiding.

JUL 31 1978

1. - Attorney-Client Conference.

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

3 MAY 1978

REGULAR MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 3, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

After Roll Call, Commissioner Murphy stated she wanted to make a presentation.

Commissioner Murphy: "Yesterday, the Optimist Coast Region and all Optimist Clubs of San Francisco, gave a luncheon at which I represented Mayor Moscone. The Chief of Police was there along with the Chief of the Fire Department and during that luncheon two of our Officers were honored, but one of them, due to a mistake which was not his fault, the notice of his being nominated for this award went to the wrong station, and so he was not there. So I want to take this opportunity if I may tonight to present him with the award. Would Police Officer Kris Kvale come forward please? I wish you could have been there because it was a very nice occasion.

I would like to read the citation before this group now: 'On July 28, 1975, Kris Kvale joined the San Francisco Police Department. After completing his training in the Police Academy he was assigned to the Richmond Station for a short period. On July 1, 1976, his career took a direction which led him to the Northern Police Station assigned to the grave yard shift. It was apparent to his fellow workers and immediate supervisors that Officer Kvale had an aptitude for police work.

His beat is in the Haight-Fillmore area,

not exactly a day in the park. (That's a masterpiece of understatement.) Robberies, burglaries, drug trafficking were commonplace activities, of where all of these thousands of decent people live not necessarily by choice but as a means of survival. Day after day, after day, Officer Kvale performs his job, often unnoticed and seldom thanked.

Not many Officers relish his assignment and all will acknowledge his work with respect. In recent months a significant change has occurred in the Haight-Fillmore areas. Crime in the area is on a downward trend. Several new businesses are moving into the area and residents are reflecting a pride of ownership and belonging.

At this time there is still a long way to go in the Haight-Fillmore area but the work has begun. Officer Kvale began his test without dramatics or fanfare, but quietly and subtly provided service to his adopted community. Although he has been commended for individual actions by his commanding officer on numerous occasions, his routine determination and persistent devotion to duty qualifies Officer Kvale for this award.'

Then the Award states: 'Law Enforcement Award, presented to Police Officer Kris Kvale for distinguished and dedicated service advancing the respect for law objectives of Optimist International. By the Zone 1, Pacific Central District Optimist International.' It is with great pride that I give this to you."

Officer Kris Kvale: "Thank you."

Commissioner Siggins: "Could we point out that this award was given at the recommendation of Captain Cornelius Murphy, who is here tonight with Officer Kvale?"

Commissioner Murphy: "Yes indeed. Thank you Captain Murphy. Also I might add that Officer Lemoyne Baxter of Ingleside received an Award too, and we are very proud of him. Thank you."

RECOMMENDATIONS OF THE TRAFFIC BUREAU

709 SCOTT STREET - GREEN MANOR REST HOME - CONTINUED
FROM APRIL 19, 1978

Commissioner Siggins: "We held over 709 Scott Street, a request for an installation of a white zone of which the Department recommended a denial and we had some testimony given to us two weeks ago and we thought we would hold it over so is there anyone who wants to talk on it now?"

Clarence Woolridge: "Commissioners, I am Clarence Woolridge, of the Law Firm of Woolridge and Holland. Mr. Holland appeared before you the last time on behalf of Mrs. Effer Alford. I think you have before you letters from the members of the Community and businesses that serve....."

Commissioner Siggins: "Somebody from Mt. Zion Hospital....."

Clarence Woolridge: "There were a number of letters, one from the Westside Geriatric Service, Family Service of San Francisco, addressed to the Commission on April 27, 1978, there was a letter from Dr. Lawrence R. Murray addressed to the Commission on April 26th, 1978, there is a letter from Mr. Garry Stein, who makes numerous trips to the home in various deliveries. There is another letter from Mr. Sandy Oberti with respect to the use this white zone would be placed. Primarily, this issue remains the same, this is a home that houses some eight elderly persons from age 50 to age 80, the use to which the area at 709 Scott Street is certainly one where there is ample other residential parking, this is a use that prior to Mrs. Alford's ownership of the home had been granted though inadvertently the permit request was not renewed. It is clear that because of the physical problems of these elderly persons, this is a very, very needed use. Dr. Murray has stated that this is a use that makes it very, very convenient to attend these persons in emergencies, we have suppliers who indicate that it is used at all times, and most recently if you note, that one of the letters to you there has been a vehicle that has been parked in this zone some two and one half weeks with a flat tire without anything having been done about it. We feel that this is a permit that ought to be granted so that these elderly persons will have convenience of medical treatment, they ought to be able to move forth from this residence and I think it is a use...the permit ought to be granted."

Commissioner Toler: "Is it true that the zone will be used from 1 to 2 hours a day, because that is what is in the request here."

Clarence Woolridge: "The zone will be used for one or two hours a day, well Dr. Murray's letter to the Commission says when he is there he is usually there seeing patients for one or two hours at a time. There are numerous parties that are in and out of the facility delivering different items. There are a number of vehicles that are used to pick up the older persons and so forth."

Commissioner Toler: "Then the request here is in error then."

Clarence Woolridge: "The request would be in error sir."

Commissioner Sanchez: "So the request would be for how long out of the day?"

Clarence Woolridge: "It would be more closer to 4 to 5 hours, vehicles in and out. It is not a continual traffic service."

Commissioner Toler: "Is it morning, afternoon, or both?"

Clarence Woolridge: "It would be both."

Commissioner Sanchez: "If there are 8 patients assigned to the convalescent home, can you tell me how many would be ambulatory or how many would be assigned as far as wheelchair and/or bed cases?"

Clarence Woolridge: "Approximately 4 or 5 would not be ambulatory sir."

Commissioner Sanchez: "Would not be ambulatory?"

Clarence Woolridge: "That's correct."

Commissioner Sanchez: "And so the way they are picked up now would be....."

Clarence Woolridge: "Pull up to the white zone they would bring them out, place them into a vehicle, and then be carried where they have to go."

Commissioner Sanchez: "Was there any discussion with the next door neighbor, who also had a driveway, whereby perhaps vehicles could be used there?"

Clarence Woolridge: "Well it's sort of....."

Commissioner Sanchez: "Because this was brought up a couple of weeks ago."

Clarence Woolridge: "If I may approach the Commission, I would like to show some pictures of the actual site where it is always locked in. This is an example of the problem and this is the car that has been there for 2 and 1/2 weeks with a flat tire and it hasn't been used. And if you note, that on each side of the zone the driveway there is always locked in. This home has no driveway."

Commissioner Ciani: "Right, but there is a driveway. Is this the home, this building in the center of the picture? Alright, then, this driveway is ad-

jacent to the home. It's as close as if one were to walk out the front door and directly into a car in this zone. It would be just as close."

Clarence Woolridge: "That doesn't belong to the home madam."

Commissioner Ciani: "I know, but there was some discussion about the fact that the person who owns this adjacent building would probably agree to permit the use of the driveway for people to be picked up and dropped off occasionally during the day and someone was going to check on that."

Commissioner Toler: "Sergeant may I ask....."

Officer Quaglia: "Yes Commissioner?"

Commissioner Toler: "A yellow zone is for....."

Officer Quaglia: "Commercial vehicles, loading and unloading of commercial vehicles."

Commissioner Toler: "From what time of day, all day?"

Officer Quaglia: "From 7 in the morning or from the outlying districts from 8 in the morning until 6, it could be extended. A white zone is whenever the establishment is open."

Commissioner Toler: "So, I assume, this will be 24 hours a day."

Officer Quaglia: "24 hours a day."

Commissioner Ciani: "Yes, but that's one of the problems I see with this. They would never be using it for the purpose of picking up and discharging these particular passengers except during, as the gentleman stated, day time hours and yet there is no way to limit the white zones so that it could be used for regular parking during other hours."

Commissioner Toler: "After 6 o'clock a yellow zone could. Could they use it?"

Officer Quaglia: "Yes, after 6 o'clock a yellow zone would be a regular parking zone."

Commissioner Toler: "Then could we allow a yellow zone instead of a white zone?"

Officer Quaglia: "We have never put a yellow zone in front of a home before but we could do it if the Commissioners wished it. The problem is there Commissioners, that the yellow zone is allowed a half hour for commercial vehicles to load and unload. A passenger car is not allowed in a yellow zone. However, what was stated before, the white zone.... this is solely a zone for loading and unloading passengers and so five minutes at the most that a car is supposed to stay in the white zone and as the Doctor's letter said he sits there for an hour and a half each day, an hour and a half or two hours. I feel there is a need for something there but we don't have anything that covers it."

Commissioner Toler: "Could we have a sign that would indicate that parking from a certain 1 hour to another to give some release?"

Officer Quaglia: "We don't have anything on the books to cover it right now, we could put a new ordinance in or ask for a new ordinance to cover it, but right now there is nothing that covers it."

Commissioner Murphy: "What about a blue zone, that wouldn't do it either?"

Officer Quaglia: "This would limit them to disabled vehicles. The laws are pretty specific, I feel that there is something that should be done for these people, but what we have to work with is nothing that we can use for this particular case."

Commissioner Ciani: "Officer, can I ask a question, one of the reasons that you recommended against this is that it doesn't meet the usual guidelines as far as the number of people and the frequency of use. Could you estimate how many other establishments would, if we were to lower the standards so that these people could get a white zone, would be entitled to white zones? How many other people are in a similar position?"

Officer Quaglia: "Well, we have turned down four so far for rest homes that wanted white zones or blue zones."

Commissioner Ciani: "But there are a substantial number of rest homes that haven't applied, is that correct?"

Commissioner Toler: "Other rest homes have them."

Officer Quaglia: "Not that I know of Commissioner."

Commissioner Toler: "No other rest homes have them?"

Officer Quaglia: "If they are they were given before we came in. I don't know of them. I would have to go through the complete files to find out if there are."

Commissioner Siggins: "Well Mr. Woolridge, we heardyou know.....and you have told us about those letters and you do say there is other ample residential parking, I don't think that your pictures show that but how about hearing from Mr. O'Donald there?"

Clarence Woolridge: "If I might your honor, one statement, if I might add this was a rest home prior to 1973 when Mrs. Alford became the proprietor and there was a white zone there, through oversight of Counsel, the permit was not re-requested and therefore there has been a white zone....."

Commissioner Siggins: "We heard Mr. Woolridge that Mrs. Alford used that all the time, the white zone, kept her car there and if anybody else moved in there that she would call the police as a problem that she thought it was her own personal parking spot, some neighbor next door told us that, do you remember that, oh, you weren't here."

Clarence Woolridge: "Mr. Holland was here your honor, but that certainly was not the intent and nor was it the intent requesting renewal of the permit."

Commissioner Siggins: "Okay, well anyway, the car that has been parked there for two weeks is not her car or any relatives?"

Clarence Woolridge: "It is not her car your honor, it has a flat tire."

Commissioner Siggins: "Okay, I didn't see the flat. Mr. O'Donald?"

Commissioner Murphy: "I would like to....let's look at that. I don't know where this is, could you come up just a second and let me ask you...is this the driveway, the white car is the driveway next door or is that her driveway or what?"

Commissioner Siggins: "The driveway is to the left looking at the building...I mean to the right looking at the building."

Commissioner Murphy: "Well what's this car doing, is that on the sidewalk or what, or is that in the driveway?"

Clarence Woolrdige: "It's in the driveway mam, it's the same car."

Commissioner Murphy: "Oh I see, yes I see, it's the same car. Okay, thank you."

Commissioner Ciani: "Is that a two car driveway next door?"

Clarence Woolridge: "Yes, it's a double garage."

Commissioner Siggins: "Go ahead Mr. O'Donald."

Mr. O'Donald: "I will be very brief, I brought some other people here and I will introduce them and they can talk to you. First place, the parking in that area is atrocious. Second place, I talked to Leo Lacayne who owns the property next door and she has no objections to people driving into her driveway to drop off and pick up people. What she does object to is people who drive into her driveway, park, get out of the car and walk away and leave it for a substantial period of time. But for the purpose of simply dropping people off and picking them up. she has no problems with that. But what I would like is to introduce you to the Vaughns who live next door to me and next door to the property and have lived there for a substantial period of time and they can indicate to you some of the problems they have had with regard to the white zone when it existed."

Commissioner Siggins: "Okay, now.....just a second Mr. O'Donald, while we have you here and we have already heard testimony and remarks a couple weeks ago, where is the lady that lived.....you know... that talked the other day or where did her mother live?"

Mr. O'Donald: "She...her mother lives...she's here tonight."

Commissioner Murphy: "She's on the other side (speaking of the photographs and homes depicted therein.)

Commissioner Siggins: "And there's no driveway there?"

Bob Mason: "No, there is not."

Commissioner Siggins: "Where do you live?"

Bob Mason: "I live right there."

Mr. O'Donald: "I would like to introduce Bob Mason and Dorothy Vaughn."

Testimony was then heard by the Commission from Mrs. Vaughn and Mr. Mason, both speaking in opposition to the request.

Commissioner Murphy then stated, "I move we sustain the denial in this case."

Commissioner Ciani: "Are you calling the question on the whole calendar?"

Commissioner Siggins: "Let's just take it on this one, on number one."

Commissioner Ciani: "Okay, second."

Commissioner Siggins: "Question, all in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NAY: Commissioner Toler

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2750 LEAVENWORTH STREET - HOLIDAY INN

- a) At 2750 Leavenworth Street, install a 22' white zone, to extend from 110' to 132' north of Columbus.

2809 GOUGH STREET - SASSUOLO CERAMIC IMPORT

- a) At 2809 Gough Street, install a 22' green zone, to extend from 31' to 53' south of north property line.

518 HAIGHT STREET - S.F.P.D.

- a) At 518 Haight Street, revoke existing 36' yellow zone, extending from 60' to 96' west of Fillmore Street.

601 ILLINOIS STREET - GEORGE W. KNEASS CO.

- a) At 601 Illinois Street, revoke existing 33' yellow zone, extending from 9' to 42' south of north building line.

241 JONES STREET - PADRE HOTEL

- a) At 241 Jones Street, revoke existing 30' white zone, extending from 108' to 138' south of Eddy Street.

333 TURK STREET - Y.M.C.A.

- a) At 333 Turk Street, revoke existing 29' yellow zone, extending from 130' to 159' west of Leavenworth Street.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 128 feet of white and yellow zones, at the parts of the city, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 210-78

ALFREDO CARRETERO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfredo Carretero against the City and County of San Francisco in the sum of \$152.00 as the result

of damages sustained, be, and the same is hereby approved.

Date of Incident: December, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 211-78

SUSAN FALLMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Fallman against the City and County of San Francisco in the sum of \$32.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 20, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 214-78

BETTY MAYEDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Betty Mayeda against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 215-78

SHARON MAGEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sharon Magee against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow,

be, and the same is hereby approved.

Date of Incident: November 28, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 216-78

VINCENT G. PONCIANO

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 340-100 in the sum of \$302.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 5, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 217-78

AUTHORIZING ATTENDANCE OF LIEUTENANT VICTOR MACIA,
OFFICE OF THE CHIEF OF POLICE, AT THE MIDDLE MANAGER
ADVANCED COURSE AT WASHINGTON, D.C., FROM MAY 15, 1978
TO MAY 18, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Victor Macia, Office of the Chief of Police, be detailed to attend the Middle Manager Advanced Course at Washington, D.C., from May 15, 1978 to May 18, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Macia in a sum not to exceed \$200.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 218-78

AUTHORIZING ATTENDANCE OF DR. NORMAN H. STEINER,

POLICE SURGEON, AT THE MEETING OF AMERICAN ASSOCIATION OF POLICE PHYSICIANS AND SURGEONS AT QUANTICO, VIRGINIA, FROM JUNE 19, 1978 TO JUNE 21, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Dr. Norman H. Steiner, Police Surgeon, be detailed to attend the meeting of American Association of Police Physicians and Surgeons at Quantico, Virginia, from June 19, 1978 to June 21, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses are to be defrayed by the Federal Bureau of Investigation.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

WEEKLY SICK REPORT

	<u>PREVIOUS WEEK</u>	
Daily average for the week sick	52	58
Daily average for the week disabled	<u>97</u>	<u>91</u>
TOTALS	149	149
There is no increase or decrease of members off duty daily from the previous week.		
Daily percentage for the week sick		2.83
Daily percentage for the week disabled		<u>5.85</u>
TOTAL		8.68
Disabled at the start of the week		91
Started during the week		16
Returned during the week		18
Disabled at the end of the week		89
Net Gain or Loss		-2

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, APRIL 12, 1977 AT 2400 HOURS:

Daily average for the week sick	88
Daily average for the week disabled	<u>95</u>
TOTAL	183

Daily percentage for the week sick	4.57
Daily percentage for the week disabled	<u>5.33</u>
TOTAL	9.90

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY,
MARCH 14, 1978 AT 2400 HOURS:

Daily average for the week sick	57
Daily average for the week disabled	<u>93</u>
TOTAL	150

Daily percentage for the week sick	3.14
Daily percentage for the week disabled	<u>5.59</u>
TOTAL	8.73

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report tonight Mr. President,
Members of the Commission."

SETTING OF DATE FOR PRESENTATION OF CERTIFICATES
AND MEDALS OF VALOR

The Police Commission set the date for presentation
of Certificates and Medals of Valor for May 24, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right
to operate a taxicab by the following-named person
was called for hearing, it having been advertised
in the official newspaper in accordance with the

provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFEE</u>	<u>NO. OF PERMITS</u>
Nick R. Bruno 350 - 8th Street San Francisco, Ca.	Bruno Cavaleri 1513 Cedar Street San Carlos, Ca.	1

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

TRANSFER OF TAXICAB PERMITS - CONTINUED FOR TWO (2)
WEEKS.

Commissioner Siggins: "This is one if you are talking about modernizing things, I'm certainly not satisfied that the application has been printed or mimeographed interprets the transaction where this group wants to put them into a Corporation because if you take a look at the letters, the person who is transferring the application....I mean transferring the permit, is the one who gets the letters of recommendation and I recognize the fact that there is some legal reasons that Mr. Norman Loo or somebody else has come up with and put.....these things are all being put into a corporate form, but I think we should have some kind of a.....our files should show why this is being done and be more complete than.....this particular application. If you look at it, it's silly....it's just a.... It's a.....they want to put it into a Corporation called Universal Cab Company and the person who is transferring them is talking to himself the way we answer these.the way the applications are answered. Mr. Kim Woo Lee owns some....a permit and he wants it put into a Corporation. You are the one that's transferring it, right sir?"

Kim Woo Lee: "I...yes."

Commissioner Siggins: "Yes. And so you come in and because you are transferring the permit and giving it up, you come in with your letters of recommendation saying what a good person you are and we are really concerned about the person who is going to get the permits."

Deputy Chief Mullen: "It would be his own Corporation."

Commissioner Siggins: "Well, it's not clear enough there, you know, in the way it is set up."

Commissioner Ciani: "I think, yes, the questionaire should require disclosure of the names of all the shareholders and perhaps some information about the shareholders as they will be the entity that will be the transferee."

Commissioner Siggins: "Secondly, the man says he bought one permit for \$15,000, he bought another permit for \$30,000, and frankly, I don't remember transferring \$30,000, just as he said in September, 1977, I don't remember one for \$30,000, and then he said 'I am buying them for \$25,000,' and it's just not a clear type of a transfer."

Commissioner Murphy: "Well, all of these questions that are asked, 'do you intend to drive the cab, no,' and then, 'are you a citizen of the United States, not applicable,' I mean, I assume you are talking about the Corporation, obviously, but still, that should be directed toward the members of the corporation it seems, at least to the officers anyway."

Commissioner Siggins: "I think that.....or I would suggest that the attorney who has been putting these together, give something to us in letter writing or something signed before we.....I would suggest before we transfer these like this again. Generally speaking, in this particular type of transfer there has been aa lawyer here.....the same type of....Corporation with Mr. Lim of 626 Grant Avenue as being the agent for service and Corporation, could we have him contacted and....or it is really Mr. Norman Loo, is it?"

Mr. Kim Lee: "Um huh."

Commissioner Siggins: "Get him contacted and get him to set out what they are doing here. Is that okay? I would suggest that we put this transfer over because it doesn't make any difference to you right now one way or another, you are still operating the permits, are you not?"

Mr. Kim Lee: (No response.)

Commissioner Siggins: "Yes sir? You have two permits that you are operating?"

Mr. Kim Lee: "Yeah."

Commissioner Siggins: "Why are you buying two permits for \$25,000 a piece and paying installments to yourself when you bought them in the past for \$15,000 and \$30,000?"

Mr. Kim Lee: "I put it on account of....how to the price....he want me....one is I buy is \$30,000, one is \$15,000, he tell me because he allow.....my cab is used to Company too."

Commissioner Siggins: "Did you buy one for \$30,000 in September?"

Mr. Kim Lee: "Yes."

Commissioner Sanchez: "I think that what we are saying is the fact, you know, there are some confusing things here and if you are confused, some of us are confused, and so what they want you to do is maybe go back and talk with your attorney and have him contact our units here so this way we could all be clear, so we could understand it and then we could vote on it."

The Commission then agreed to continue the transfer of these taxicab permits for a period of two (2) weeks.

REQUESTING APPROVAL OF THE POLICE COMMISSION FOR THE SALE OF PATROL SPECIAL BEATS #11 AND #32, SOUTHERN POLICE DISTRICT, BELONGING TO PATROL SPECIAL OFFICER THOMAS S. MEEHAN (DECEASED) AND MRS. JOAN B. MEEHAN, WITH POWER OF ATTORNEY, TO PATROL SPECIAL OFFICER SERGE WHITE. - CONTINUED FOR ONE (1) WEEK.

Mrs. Meehan, Officer Rolovich?"

Officer Rolovich: "I would like to introduce Mrs. Meehan and this is Patrol Special Officer Serge White."

Commissioner Siggins: "Right, you know this particular attempt to transfer brings up some legal problems. Do you understand them Mrs. Meehan? As I understand it your.....Thomas Meehan issued a Power of Attorney on March 22nd 1978, and since that time he passed away."

Mrs. Meehan: "Yes, a week and a half ago."

Commissioner Siggins: "Right, the Power of Attorney is not effective when somebody passes away."

Deputy Chief Mullen: "Mr. Commissioner, that was our understanding and just lately, we've been speaking with our Legal Office and my understanding is based on that conversation with our Legal Office is that the legal problem was that we didn't have an executed copy of the contract and that's where the problem came in. Your copies are not signed. We do have copies that are signed."

Commissioner Ciani: "And you are saying that they were executed prior to the revocation of the Power of Attorney so there was an Executory Contract at the time that the gentleman died."

Patricia Byrne, Legal Office: "Yes, it's sufficient."

Commissioner Ciani: "Is that legally sufficient though so that there is an equitable transfer of title? Is that what you are saying?"

Patricia Byrne: "Well, the question is whether or not there is going to have to be any authority of the Probate Court in regards to the matter. The question comes up as to whether or not this would be Community Property and I imagine it would be, and under 650 of the Probate Code there is no longer a necessary Probate of Community Property assets. What there is now is a situation called the confirmation of Community Property which is a little different type of process whereby a petition is made to the court at which time the property is at an Inheritance Tax Referee and is approved and then with the either payment of tax or whatever payment of tax it is just automatically affirmed to the spouse."

Commissioner Siggins: "I know but there has to be representation of this Community Property and the Community has to be proved to the Inheritance Tax people. Secondly, was there a Will?"

Mrs. Meehan: "Yes. My husband made out a Will, yes."

Patricia Byrne: "I have not seen any Will."

Commissioner Siggins: "Well, is it going to be probated?"

Mrs. Meehan: "Well, I spoke to the attorney before I came here and he said if there were any problems, any delay or anything, that he would take care of it, so if the Power of Attorney isn't any good he can take care of the other part of it."

Commissioner Siggins: "Well, when did you enter into the agreement to sell this?"

Mrs. Meehan: "I think it was the latter part of March, I don't have the papers on me."

Commissioner Siggins: "Well, in other words the agreement, well in other words it was called agreement, and bill of sale was made up before...what was the date of death?"

Mrs. Meehan: "April 23rd."

Deputy Chief Mullen: "April 6th the Contract was signed."

Commissioner Ciani: "Well, I guess the question is, is this Executory Contract binding on the estate so no action can be taken by the Probate Court? Was this held in joint tenancy with right of survivorship or was it held in the name of Mr. Meehan?"

Mrs. Meehan: "Mr. Meehan, it was in his name and he knew he was ill so he gave me Power of Attorney to, you know, to sell the beat because he could no longer work it. He was confined to the hospital, so he gave me Power of Attorney but he passed away before all of this came about, but there is a Will and you know, it's.....I had the Will with me."

Officer Rolovich: "We were in the process of presenting this to the Commission at the time he passed on."

Commissioner Siggins: "You mean the sale to Special Officer White?"

Officer Rolovich: "Yes."

Commissioner Siggins: "What about this report that you made out on how many patrol beats you think that one person should own?"

Deputy Chief Mullen: "Well, I can speak to that. We looked closely into that. There is no prohibition by rule or by law as to the number of beats a person can own, so it is a policy question with the Commission as to whether they think a person should be allowed to own more than one beat. We have 17 Patrol Special Officers who own two beats and three who own three beats, so it's a question of agreeing whether or not it's allowed to all. It's a policy question for the Commission and I would recommend that they approve it."

Commissioner Toler: "Chief, could you explain what a beat is for me?"

Deputy Chief Mullen: "A beat is a square of streets variable in number, depending upon the density of businesses and potential for doing business like in a downtown area say around the main shopping center, they are small whereas out in the residential district like out in the Sunset District, they would be very big because it would be less businesses that would ask for their services. They vary in size from area to area, they are just a series of streets in a square that the officer patrols by himself or by means of Assistants to provide service."

Commissioner Ciani: "Chief, I question whether we can establish a policy of limiting the number of beats anyone owns. If there is nothing that prohibits one from owning any number, is our discretion so broad that we could refuse to transfer because we thought that the person just had too many beats or could that be objected to and appealed from by the transferee?"

Deputy Chief Mullen: "The Charter as I read it gives the Commission sole discretion to award or not award beats. The basis for making such a decision would be the ability to manage a certain number of beats. It would be ridiculous for one person to manage beats that encompass half of the city for the very real reason just like the police department we need layers of middle managers and supervisors to manage anything that big. So the upper limit would be the ability of one person to manage a given number of subordinates that would be the controlling....."

Commissioner Ciani: "And you think we haven't reached that point with 3 beats or how many.... 4 beats?"

Deputy Chief Mullen: "What I based it on, my recommendation, is that my prior experience with the buyer like with some people I would say they couldn't, but I just happen to know he is a very good business man and runs a very tight business, and so in that regard I would recommend that you do it."

Commissioner Ciani: "Well, there are a lot of considerations. I should think having these things spread out as much as possible might be one consideration just as a matter of policy since it is a privilege. We shouldn't let the privilege reside in just a few people if there are other people who would want these beats."

Commissioner Toler: "Since there is no established policy regarding how many beats one can own, I move the approval of this transfer."

Commissioner Ciani: "Well, we still have a legal question of whether or not the court has to take any action in order for this....."

Commissioner Siggins: "Let me ask this, when was this presented to legal for questioning?"

Commissioner Ciani: "I called them Monday."

Patricia Byrne: "Monday or Tuesday, and we didn't get the signed copy of the contract until....."

Commissioner Siggins: "You know a Power of Attorney has a certain amount of limits and the way the Power of Attorney was drafted it was to sell a beat, b-e-a-t, and then that was in March and then in the first week of April there is a contract selling two beats that Mrs. Meehan entered into and I would actually suggest that we hold up the transfer by the police to do it properly that there be some analysis of the Will, an analysis of whether or not there is going to be a probate and an analysis of whether or not this is going to be presented to anybody before.....I mean anybody within the Inheritance Tax Department to approve for a Consent to Transfer."

Commissioner Ciani: "I can see one problem in that this beat is probably not being served right now. Is that right, is someone operating it now?"

Serge White: "The Beat presently is being served by an assistant."

Commissioner Ciani: "By who's assistant?"

Serge White: "By Mrs. Meehan's assistant."

Commissioner Ciani: "Is this the same person who will continue if you buy it?"

Serge White: "No it isn't. Presently, that person has been walking the beat since Tom Meehan has been taken ill and he hasn't had any days off. Because she doesn't have....actually the means of getting anybody else to take his time for his regular days off, so this is why it was submitted to the Commission as soon as possible, so we could have this person get some time off because a person could just work so long without any days off."

Commissioner Ciani: "Well, of course, in the interim, if we have to take some time to look at this you could always lease it or something so that you can be in a position of operating it while we work out the details."

Serge White: "Well, what we are trying to do is actually get a decision from the Commission on how many Beats a person can own and if we, at least, have one decision, then we can work on another one. This is one of the reasons I would like to know."

Commissioner Siggins: "Well, okay, I would think before you put up any money you better make sure that you are getting clear title to that Beat, for instance, if there was a Will, a lawyer can tell you this, and some property was left to someone else other than Mrs. Meehan, then someone else might have some interest in it."

Serge White: "Right, I advised Mrs. Meehan that I would put the money in escrow until this whole matter is taken care of, this way there would be a middle party and neither one of us would have the money."

Commissioner Ciani: "Yes, that makes sense."

Deputy Chief Mullen: "Does the Commission have any direction for staff as to what it wants us to do?"

Commissioner Siggins: "Yes, Mrs. Meehan has already indicated that if there is any problems regarding this, she has a lawyer who will help to straighten it out, so let's make contact with the lawyer and explain to him what the problems are. Did he draft the Power of Attorney?"

Mrs. Meehan: "Yes he did. And he also drew up the Will that my husband has."

Commissioner Siggins: "Alright, he can maybe make a presentation in that regard. Who is the lawyer Mrs. Meehan?"

Mrs. Meehan: "Mr. Putkey, he is on Mission Street."

Commissioner Siggins: "Okay, in fact he is the Notary too, okay. Maybe he can explain it."

Commissioner Murphy: "Well, but isn't it...It is clear, isn't it, as far as the number of routes or beats are concerned that is not an issue at this time with us, or is it?"

Commissioner Ciani: "Well, we haven't voted on it but the Department has recommended that we not take a policy position against it."

Deputy Chief Mullen: "Well, what I thought I recommended was that this transfer be approved. Now, if the Commission wants to establish a policy for whatever reason that a set number should be it, that's fine, I would not say don't make a policy if you have valid reasons to establish a policy and Commissioner Ciani, like you said, could happen has happened in other cities like I saw happen when I was looking into Patrol Specials some years back in the city across the Bay where the whole city was split between two Patrol Special Officers and it took the Court about 30 seconds to decide that that was a combination of restraint of trade and wiped them all out. So it can happen that empires can get built....."

Commissioner Ciani: "How many beats are there all together?"

Officer Rolovich: "42, and they all vary in sizes."

Commissioner Siggins: "Right, I mean somebody can own two beats and it could be a lot smaller than one, somebody else with one beat."

Officer Rolovich: "Right, the area of the four beats is smaller than one beat in say the Sunset or Richmond."

Serge White: "The Sunset area you could have one beat that would probably encompass 8 or 9 Beats in the downtown area because the areas are so large out in the outlying districts and the beats were drawn up a lot of times in the early 1900's, prior to electronic security and buildings having their own security as far as their own guards and everything else, and a Patrol Special had a lot more work to do and the Beats were smaller then. Now with the modern type of security methods they have, it takes a little bit more area to make a living for a Patrol Special."

Commissioner Ciani: "What is the income from these two beats as they are presently operating, is that in here?"

Serge White: "Approximately, just a round figure, it would be approximately \$1,500 a month."

Commissioner Ciani: "And the income from the two beats that you have is at what level?"

Serge White: "That is approximately....a net level would be approximately.....\$1,800 a month. Now we are talking about \$1,500 a month gross on this also. This is not....."

Commissioner Ciani: "And how many people does it take to operate these four beats?"

Serge White: "Oh, you have to have a person..... taking your days off, you are talking about radio equipment, answering service and so on, so you start whittling it down."

Commissioner Ciani: "How many persons, how many Assistants?"

Serge White: "As this beat is set up right now, it would only take one Assistant."

Commissioner Ciani: "Okay, so if you were to have these four beats, you and one other person could handle it?"

Serge White: "No, not with four beats, no. With the two in question at the present time, the ones that are being sold, it would take one Assistant."

Commmissioner Ciani: "Okay, so....."

Deputy Chief Mullen: "How many Assistants do you have working for you now?"

Serge White: "Right now, two."

Deputy Chief Mullen: "Okay, so you would have three Assistants."

Commissioner Ciani: "So a total of four people if you had these four beats?"

Serge White: "Yes."

Commissioner Toler: "Mr. President?"

Commissioner Siggins: "Commissioner Toler?"

Commissioner Toler: "In view of there being no established policy regarding the number of beats in which one can own or have, I move the approval on the contingent that the legal matters are cleared up."

Commissioner Murphy: "Second."

Commissioner Siggins: "Any further questions? I would suggest though that we put it over until we hear from Mr. Putkey and straighten that out and I think Mr. White.....Officer White wants to do that too, is that correct?"

Serge White: "That will be fine."

Commissioner Siggins: "So let's put it over..... he is ready to answer questions just as Mrs. Meehan said. So let's get it straightened up and bring it over to next week, okay?"

Commissioner Toler: "Okay, that's alright with me."

Commissioner Sanchez: "Through the Chair, if I might?"

Commissioner Siggins: "Commissioner Sanchez?"

Commissioner Sanchez: "Do you think it would be possible to have a report by the Chief or whoever, back to us on, you know, on the 42 beats and basically how many beats are owned by.....as an example how many parties and also what is the process for selling a beat if, as an example, there is a vacancy. Is it advertised or do people have a chance to bid on it or how is it done, so this way we have a better understanding of the whole process which I am totally unfamiliar with."

Commissioner Siggins: "Yes, Officer Rolovich is assigned to that and he can give....get all of those answers, in fact, I will tell him to give you a call."

Deputy Chief Mullen: "Of the number of beats Commissioner there are 42 beat owners, 17 own two beats, and three of them own three beats, that gets you into the sixties, but is not the total number of beats. As to how they are advertised for sale, it is done very informally, when somebody wants to sell a beat some other Patrol Special Officer tells somebody or his Assistant that has the money, it is done like if you want to sell your car, it's that kind of a thing as presently done."

Commissioner Siggins: "And we have transferred them from husband to wife, right? Awhile back. Officer Rolovich, Commissioner Sanchez wants to learn more about the beat system so will you get in touch with him one of these days and give him an explanation?"

Officer Rolovich: "Certainly."

RESOLUTION NO. 219-78

DATE TO BE SET FOR HEARING OF POLICE OFFICER
DONALD A. FOUKE, NORTHERN POLICE STATION.

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Donald A. Fouke, Northern Police Station, was called; and

WHEREAS, it was requested by Police Officer Donald A. Fouke, that his hearing before the Police Commission be set for May 24, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Donald A. Fouke, Northern Police Station, is set for Wednesday, May 24, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 220-78

STATUS REPORT IN THE MATTER OF POLICE OFFICER
DAVID RIOS, SOUTHERN POLICE STATION

WHEREAS, the status report in the matter of Police Officer David Rios, Southern Police Station, was called; and

WHEREAS, it was requested by Police Officer David Rios that his hearing before the Police Commission be continued to May 24, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer David Rios, Southern Police Station, is set for Wednesday, May 24, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION REQUESTING THAT THE BOARD OF SUPERVISORS,
THROUGH THE MAYOR, TRANSFER 1.8 MILLION DOLLARS FROM

THE 110 SWORN SALARIES APPROPRIATION TO THE 113
SWORN EXTENDED WORK WEEK EWW APPROPRIATION TO
FUND 100 OFFICERS ON AN EWW BASIS STARTING JULY
1, 1978.

Commissioner Sanchez: "I would move approval."

Commissioner Toler: "I second it."

Commissioner Ciani: "I want to understand it a
bit. Does somebody want to speak on it?"

Chief Gain: "Chief Mullen will speak to it."

Deputy Chief Mullen: "As....we have been going
through the Budget process as of January. It was
decided, based on our training capabilities and
extensive analysis thereof at the time, that the
budget was in the Mayor's Office having left this
Commission that it would be more appropriate to ask
for the equivalent funds for 100 officers on an
Extended Work Week program as against asking for
additional hire officers. The Budget went that way
from the Mayor's Office to the Finance Committee
of the Board of Supervisors. As a technicality
since in our earlier budget, supplemental budget,
those additional officers were in as new hires, this
is a true clerical error, in that it wasn't moved,
the equivalent of 100 officers wasn't moved from
the line in the budget they talked about extending
but from the line in the budget that talked about
new hires to the line in the budget whereby you
can do it in the budget under Extended Work Week
positions, it remains in our budget as new hires
consistent with our position that we want the Ex-
tended Work Week according to the provisions of
the Charter, we are asking the Commission to request
the Mayor that he ask the Board of Supervisors to
move that from our 110 Salary Account which would
involve new hires to our 113 Account which is that
line by which we can put police officers on the
street after July 1, on the Extended Work Week basis
100 officers."

Commissioner Ciani: "So basically, this is to
correct the clerical error?"

Deputy Chief Mullen: "That is correct."

Commissioner Murphy: "How is this being explained or
how will it be explained to the Board of Supervisors?"

Deputy Chief Mullen: "Well, it hasn't been explained."

Commissioner Murphy: "Well, I know that but I mean as it comes up as a supplemental. Will there be any additional sorts of hearings?"

Chief Gain: "That's already been explained."

Commissioner Murphy: "I know, I was there when it was explained, but I mean will they start questioning again, will it come before the Finance Committee or will it just go to the Board?"

Chief Gain: "It will go before the full Board."

Commissioner Murphy: "Just the full Board, okay, thank you."

Commissioner Siggins: "Motion by Commissioner Toler, seconded by Commissioner Sanchez, question? All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT GENERAL ORDER B-1 WHICH SETS FORTH DEPARTMENT POLICY AND PROCEDURES ON THE ISSUANCE OF IDENTIFICATION CARDS TO HALL OF JUSTICE EMPLOYEES. COPIES SENT TO EMPLOYEE ORGANIZATIONS.

Notification to Employee Associations acknowledged by Commission.

Commissioner Ciani: "I had one question, well first of all I was wondering whether you wanted to say anything about the Sting Operation. When we had such dramatic results in the Chinatown situation, we had the officers responsible appear."

Chief Gain: "It was another outstanding example of the work of the Officers in the Department. If I may, we could defer discussion to next week. I hope to have some of the Personnel here as we did with the brown bag robber so that the Commission could recognize them and so on. They couldn't be here tonight, they are still in the process of long hours of work attempting to affect arrests."

Commissioner Siggins: "Yes, Chief last week when we had some of the top brass in the units here for commendation we didn't mean to slight anybody in the unit, there were a lot of, naturally, officers

in the unit that we maybe did not single out, but we want to....."

Chief Gain: "What occurred in relation to the numbers who appeared last week is that they decided to send the head of the Unit and then one or two representatives. That was their choice, full well recognizing that there are a great number of personnel in each of those units, Street Crime Unit and Gang Task Force, and they couldn't all be here, some are working and so there was no deliberate slight. All of the members knew what was going to take place."

Commissioner Siggins: "Okay Chief, I mean I wanted to point that out."

Commissioner Ciani: "I wanted to ask a question, there is a reference to 'Operation Catch' in the Field Operations Bureau Staff meeting minutes. What is 'Operation Catch'?"

Chief Gain: "Operation Catch is a name given to a changing operation whereby in the Taraval District and other districts there are things such as burglaries taking place, it could be robberies and it's a joint action as between District Station Personnel and Inspectors. So the nature of the problems that they work on will change. For example, one thing they do is follow known burglars. Actually, known burglars who have committed substantial numbers, then, based upon where burglaries are occurring, they try to interject and affect an arrest, and they have done that. So it was given that name, Operation Catch."

Commissioner Ciani: "But it is directed at a whole range of different types of burglaries."

Chief Gain: "Well, it could be robberies, it could be burglaries, or anything of that nature."

Commissioner Ciani: "Thank you."

HEARING OF STATION OFFICER JERRY L. CLARK, SOUTHEAST
POLICE STATION

The hearing of Station Officer Jerry L. Clark, Southeast Police Station, was called, it having been set for this date. Station Officer Jerry L. Clark was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Reflecting Discredit on the San Francisco Police Department (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Carrying a Concealed Firearm (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to Truthfully Answer Questions from Superior Officer (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 4

Submitting a False Report (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Station Officer Jerry L. Clark appeared in person and was represented by Mr. William Bradley, Staff Director, Civil Service Association, Local 400.

Mr. Scott Rosien, Attorney at Law, appeared as the Prosecutor for the Police Department.

Mr. William Bradley, Staff Director, Civil Service Association, Local 400, entered on behalf of Station Officer Jerry L. Clark an oral plea of "Not Guilty" to Specification No. 1; "No contest" to Specification No. 2; "Guilty" to Specification No. 3 and No. 4.

The reading of the charges was waived.

Opening statements were made by both the Prosecuting and Defense Attorneys.

The following-named witness appeared for the Prosecution, was sworn and testified:

Mr. David Weiss
77-6th Street
San Francisco, California

The following-named witness appeared for the Defense, was sworn and testified:

Jerry L. Clark
Station Officer
Southeast Police Station

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission and then recessed from 2128 hours to 2137 hours, after which the following resolution was adopted:

RESOLUTION NO. 211-78

DECISION - HEARING OF STATION OFFICER JERRY L. CLARK,
SOUTHEAST POLICE STATION.

WHEREAS, on February 22, 1978, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Station Officer Jerry L. Clark, Southeast Police Station, as follows:

SPECIFICATION NO. 1

- a) That on or about August 9, 1977, at approximately 1522 hours, the accused, while off duty and in uniform, did go to the Liberal Loan Company, 77 Sixth Street, San Francisco, and purchased a handgun;
- b) That while so doing the accused did represent that he was a police officer;
- c) That in purchasing the handgun, the accused did present a check for the amount of the purchase for which there was insufficient funds in the bank;
- d) That at the time above mentioned, the accused was in uniform, wearing a regulation jump suit and station officer shield;

- e) That, by reason of the above stated conduct, the accused did reflect discredit upon the Police Department and did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.13 Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 2

- a) That all of the allegations in paragraph (a) through (d) of Specification No. 1, are incorporated herein as though fully stated;
- b) That on or about August 10, 1977, the accused while off duty and in uniform, did go to the Volume Shoe Company, 366 South Mayfair, Daly City, California, and purchase a pair of boots;
- c) That, in purchasing this merchandise, the accused presented as payment a check for which there was insufficient funds in the bank;
- d) That while at the Volume Shoe Company, the accused did represent to the employees there that he was a police officer;
- e) That on the date above mentioned, the accused was carrying a concealed weapon on his person;
- f) That the accused was not and is not a peace officer of the State of California;
- g) That by reason of the above stated conduct, the accused did engage in an activity which is proscribed by public policy and laws and in so doing

did engage in conduct which reflects discredit on the San Francisco Police Department and which conduct did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, hereinabove quoted.

SPECIFICATION NO. 3

- a) That each and every allegation of paragraphs (a) through (d) of Specification No. 1 and paragraphs (a) through (f) of Specification No. 2, are incorporated herein as if each were fully restated;
- b) That an investigation of the activities of the accused was conducted by members of the San Francisco Police Department;
- c) That during this investigation, the accused was called upon by superior officers and investigators assigned to conduct a lawful investigation, to answer questions regarding his conduct on the above stated dates and times;
- d) That the accused did not truthfully and without evasion answer such questions as were asked by the persons investigating the above stated conduct;
- e) That, by reason of such activity the accused did violate Section 2.49 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.49 Shall when called upon by a superior officer, or by one specially assigned by lawful authority to conduct an investigation involving police matters or any matter affecting the conduct of a member or members, truthfully answer all questions propounded. All reports, statements and declarations made orally, or in writing in the foregoing matters shall contain the truth without evasion."

SPECIFICATION NO. 4

- a) That each and every allegation of paragraphs (a) through (d) of Specification No. 1, paragraphs (a) through (f)

of Specification No. 2; and paragraphs (a) through (d) of Specification No. 3, are incorporated herein as though fully restated;

- b) That, while members of the department were conducting an investigation of the activities of the accused, the accused made an Intra-Departmental Memorandum concerning the above-mentioned matters;
- c) That on or about August 23, 1977, the accused did submit such memorandum to his commanding officer;
- d) That the statements contained in the memorandum were untrue;
- e) That by reason of the above stated conduct, the accused did violate Section 2.49 of the Rules and Procedures of the San Francisco Police Department which is quoted above in Specification No. 3.

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 3, 1978, and that on Wednesday, May 3, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Station Officer Jerry L. Clark, Southeast Police Station, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Station Officer Jerry L. Clark violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Station Officer Jerry L. Clark, Southeast Police Station, as contained in Specification No. 2, are sustained by the evidence presented at the hearing and that Station Officer Jerry L. Clark violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Station Officer Jerry L. Clark, Southeast Police Station, as contained in Specification No. 3, are sustained by the evidence presented at the hearing and that Station Officer Jerry L. Clark violated Section 2.49

of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Station Officer Jerry L. Clark, Southeast Police Station, as contained in Specification No. 4, are sustained by the evidence presented at the hearing and that Station Officer Jerry L. Clark violated Section 2.49 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Station Officer Jerry L. Clark has violated Specification No. 1, Section 2.13, Specification No. 2, Section 2.13, Specification No. 3, Section 2.49 and Specification No. 4, Section 2.49 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that for said violations, he shall be dismissed from the San Francisco Police Department; and be it further

RESOLVED, that said dismissal, effective May 3, 1978 at 2138 hours, be, and the same is hereby affirmed and approved.

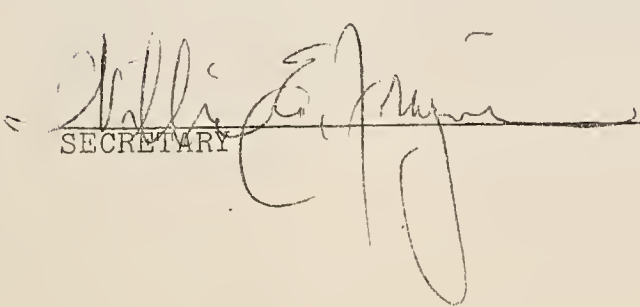
Recess taken during the hearing of Station Officer Jerry L. Clark:

2128 hours to 2137 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Nancy Inferrera, C.S.R.)

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

✓ The Commission adjourned its meeting at 2207 hours.



SECRETARY

10 MAY 1978

EXECUTIVE SESSION

Minutes
The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, May 10, 1978 at 1500 hours in Executive Session.

PRESENT: Commissioners Murphy, Sanchez, Toler
Siggins

ABSENT: Commissioner Ciani

JUL 31 1978

Commissioner Siggins presiding.

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

1. - Attorney-Client Conference.

10 MAY 1978

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 10, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Murphy, Sanchez, Toler,
Siggins

ABSENT: Commissioner Ciani

Commissioner Siggins presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2600 FRANKLIN STREET - SHERMAN MARKET

- a) At 2600 Franklin Street, install a 22' green zone, to extend from 5' to 27' east of west line.

2420 JACKSON STREET - CALVORY PRESBYTERIAN CHURCH

- a) At 2420 Jackson Street, install a 66' white zone, extending from west property line to 66' east of same.

324 BALBOA STREET - JOE'S WINE SHOP

- a) At 324 Balboa, revoke existing 24' yellow zone, extending from 2' to 26' west of the east property line.

294 WINSTON - BANK OF AMERICA

- a) At 294 Winston, revoke existing 21' green zone, extending from 18' to 39' east of west line of #296.

292 WINSTON - SHERMAN CLAY CO.

- a) At 292 Winston, revoke existing 25' yellow zone, extending from 6' to 31' west of the crosswalk.

2200-2290 POST STREET - MOUNT ZION HOSPITAL

- a) At 2200-2290 Post Street, revoke existing 309' white zone, extending from 10' to 319' west of Scott Street.

1601 SCOTT STREET - MOUNT ZION HOSPITAL

- a) At 1601 Scott Street, revoke existing 275' white zone, extending from 28' to 275' south between Post and Sutter Streets.

1601 SCOTT STREET - MOUNT ZION HOSPITAL

- a) At 1601 Scott Street, install a 26' yellow zone, extending from 21' to 28' south of north property line.
- b) At 1601 Scott Street, revoke existing 26' white zone, extending from 21' to 28' south of north property line.

2391 SUTTER STREET - MOUNT ZION HOSPITAL

- a) At 2391 Sutter Street, revoke existing 38' white zone, extending from 20' to 58' east of west property line.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 718 feet of yellow, green and white zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 222-78

JOSEPH GIANINO AND ROSANNA CARRARA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Gianino and Rosanna Carrara against the City and County of San Francisco in the sum of \$193.41 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: December 30, 1977

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 223-78

WILLIAM PRATT

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of William Pratt against the City and County of San Francisco in the sum of \$39.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 25, 1978

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 224-78

ELNORA VAUGHN, GUARDIAN AD LITEM OF PATRICIA
HENDERSON, A MINOR, AND THEIR ATTORNEY ARTHUR
LEVY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Patricia Henderson in the sum of \$544.00 in Superior Court Action No. 694-380 entitled "Patricia Henderson, a minor, by and through her guardian ad litem, Elnora Vaughn, and Elnora Vaughn v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 23, 1974

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 212-78

AUTHORIZING ATTENDANCE OF COMMANDER ROBERT C. SEGHY,
FIELD OPERATIONS, TRAFFIC DIVISION, AT THE ANNUAL MOTOR
VEHICLE LEGISLATION SEMINAR, AT NEWPORT BEACH, CALIF-
ORNIA, FROM MAY 14, 1978 TO MAY 17, 1978, INCLUSIVE

RESOLVED, that the recommendation of the Chief of Police that Commander Robert C. Seghy, Field Operations, Traffic Division, be detailed to attend the Annual Motor Vehicle Legislation Seminar, at Newport Beach, California, from May 14, 1978 to May 17, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Commander Seghy in a sum not to exceed \$190.00 will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	57	52
Daily average for the week disabled	<u>96</u>	<u>97</u>
TOTALS	153	149
This is an increase of four (4) members off duty daily from the previous week.		
Daily percentage for the week sick		3.12
Daily percentage for the week disabled		<u>5.91</u>
TOTAL		9.03
Disabled at the start of the week		97
Started during the week		19
Returned during the week		9
Disabled at the end of the week		107
Net Gain or Loss		+10

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY, APRIL 19, 1977 AT 2400 HOURS:

Daily average for the week sick	89
Daily average for the week disabled	<u>95</u>
TOTAL	184
Daily percentage for the week sick	4.17
Daily percentage for the week disabled	<u>5.75</u>
TOTAL	9.92

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
MARCH 21, 1978 AT 2400 HOURS:

Daily average for the week sick	62
Daily average for the week disabled	<u>99</u>
TOTAL	161
Daily percentage for the week sick	3.44
Daily percentage for the week disabled	<u>5.95</u>
TOTAL	9.39

The report was ordered filed.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

The members of the Commission and the Chief, having received and returned amended copies of the minutes of the meeting of March 29, 1978, reading of the minutes was dispensed with and the minutes were approved as amended.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, we just handed to you the preliminary report on crime, serious crime, for the month of April 1978 compared to April last year, and then year to date. And what the data shows is that there has been a 7.0 per cent decrease in serious crime in our city, year to date, that is through January through April this year compared to the same period last year. However, for the month of April 1978 compared to the month of April 1977, there was an increase of 7.5 per cent on a month to month basis. What is indicated, then, is that for year to date, January through April this year compared to last year, is an approximate 8% decrease in serious crime, however, for the month of April this year compared to the month of April last year, an increase.

What is happening is this, that in the month of March this year we started experiencing an increase in serious crimes, certain serious crimes, violent

crimes. That increase, for your information, is continuing now into May. What we project, based upon our experience, is that we are going to have a continued increase in crime in April or in May and perhaps in June. And it could well be, we have to project, that we will have a continued decrease so that crime may level out or decrease that we have been experiencing in May, in June, and certainly, we feel at this time in July. So that we will not be enjoying the decreases that we have had all during 1977 and thus far during 1978. The reason we are making that projection is that what has happened is happening here in our police experience in our ability to favorably influence crime through police and citizen efforts is that we engaged in impact programs in 1977. For example, the Street Crime Unit, we put officers in the geographical area with the greatest quantity of crime, that being in certain parts of the Tenderloin and elsewhere, they were effective, we had to remove some of those officers from that area because of serious crime problems everywhere, but at the bottom line what occurs in a city is that when there are certain numbers of policemen, they are devoted to specific crime saturation problems that the point comes where unless we get additional police officers out on the street, which we direly need now as soon as we can get them, we can no longer enjoy a decrease in crime. It's a saturation point that occurs. That is why we make this projection at this time. I would hazard the guess at this point that it appears at the end of this month in May, that for year to date we will have an approximate 4 to 5% decrease compared to the approximate 8% that we have right now. That is what we project based upon the crime experience. Many things could influence that and hopefully something will so that we do not have that experience of not having good decreases in crime. That is the way it appears now. What, then, is direly called for is to get as many policemen on the street as we possibly can, assigned to those areas where serious crimes are occurring. To that end, last week in a meeting with top staff reviewing crime and priorities, I made the decision that commencing this week we would assign 20 officers net per day who would work in the target area A as we identify in the Tenderloin as our highest crime area; that is where crime went up; strongarm robberies beginning in March. So we are going to keep that up constantly and we feel that we will definitely have an influence on the quantity of crime. What we need now is more officers on the street and we are again reviewing functions of officers assigned in the building which we have done many times before. So that looks like what may well occur and we'll be reporting to you, of course, weekly, or monthly, certainly our next monthly crime report, on where we stand."

Commissioner Toler: "Chief, these are not new officers by any chance that are being re-assigned I guess?"

Chief Gain: "These are all present officers. What we have gone through commencing in 1976, and into 1977, is that, based upon the quantity of crime being experienced within our city is to review units such as Planning and Research and other type units and take officers from there, although those units suffer, and put them on the street. We took sergeants out of Planning and Research and out of the Support Services Bureau and got them on the street. We have just about exhausted the capability of doing that at this time. We have taken such numbers that these units are really going to suffer so drastically we can't do it, but again, we are going to analyze it. We are, for example, planning to take Inspectors who are doing follow-up investigative work and probably will be placing numbers of Inspectors on the street to better impact upon serious crime problems; that is, make arrests which will mean that the investigative function will suffer to some extent. By getting some numbers of Inspectors on the street it would be more beneficial because that is where arrests are made by uniform officers and by officers assigned to the street. Relatively speaking, few arrests are made as a result of follow-up investigation. Arrest are made after a crime has been committed and the police are there to effect arrests. So we will be doing some of those things. We will, of course, be watching the investigative caseload to make sure that we do have adequate numbers. But something has to suffer, and our goal, and it has been the Commission goal for two years, is to put policemen where problems are, that's on the street. But as the bottom line, no matter how many we put in the street at this time from inside jobs, we will need additional officers. We are hopeful that on one July that we will realize 97 additional officers through our conversion program of hiring non-sworn people and replacing officers 97 in jobs within the Hall of Justice."

Commissioner Murphy: "Could I ask something? I think it is very interesting here that aggravated assault decreased 14.8% from 290 to 247 and motor vehicle theft decreased 16.8%, now those seem, particularly aggravated assault, are a violent crime and would be perpetrated as much, say in the Tenderloin as would homicide and burglary, I never have known the difference between burglary and robbery, but anyway robbery and those have increased. Do you have any ideas why that would be?"

Chief Gain: "Well, we don't know why, specifically aggravated assaults are decreasing, however, I would say this in regard to that crime that that's a person to person crime committed by individuals usually outside of the visibility of the police within homes and buildings and things of that nature. I would say then that for whatever reason fewer citizens are assaulting other citizens which is much to be desired. In regard to auto theft, as we know last year, one of the continued problems we had, is whereas other serious crimes were increasing or decreasing auto theft was increasing. Now we didn't know why at that time, we did all of the plotting we could in crime analysis. At this time we can't say specifically

why there is that decrease in Auto Theft. Our assumption in part are these, assumptions one, that citizens through SAFE program and for other reasons are taking more means to protect their cars and then, of course, we did through police application do whatever we could to trace whether stolen and whether it being left and things of that nature."

Commissioner Murphy: "And what is the difference between burglary and robbery, it has been explained to me several times but I never can remember it."

Chief Gain: "Well a burglary is an incident wherein someone goes into a home or business and steals property. That's burglary. And a robbery is one where someone holds up a bank with a gun, robs a person with a gun. The essential thing is in a robbery through force or fear holding a gun or threatening or something of that nature takes property from a person, but a burglary is where they go into a building or a home and they steal property."

Commissioner Murphy: "Hopefully a vacant building, I mean one that doesn't have people around it."

Chief Gain: "Hopefully."

Commissioner Murphy: "I see, thank you."

Chief Gain: "Let me end up by saying I hope that we are wrong in our projections, but that is what experience seems to show so I wanted to tell the Commission that tonight because if we do wind up next month with a 4% decrease for year then you will know what is going on at this time."

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
James Joseph Arena 1865 Clay Street San Francisco, Ca.	Richard Dale Arena 483-2nd Avenue San Francisco, Ca.	1

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

REQUESTING APPROVAL OF THE POLICE COMMISSION FOR
THE SALE OF PATROL SPECIAL BEATS #11 AND #32, SOUTHERN
POLICE DISTRICT, BELONGING TO PATROL SPECIAL OFFICER
THOMAS S. MEEHAN, (DECEASED) AND MRS. JOAN B. MEEHAN,
WITH POWER OF ATTORNEY, TO PATROL SPECIAL OFFICER
SERGE WHITE. (CONTINUED FROM CALENDAR OF MAY 3, 1978).

Floyd Parma: "Good evening, my name is Floyd Parma
and I am here for John Putkey, he is an attorney at
law representing Mrs. John Meehan. I am also an attorney
and Mr. Putkey is in the hospital and he won't be able
to make it tonight and so, at Mr. Putkey's request, and
at Mrs. Meehan's request, we are here tonight requesting
your approval for the sale of the two Patrol Special
Beats number 11 and 32, and I understand that this was
a continuance from the last calendar of May 3rd and
you asked, or perhaps advised Mrs. Meehan to be re-
presented and I am here tonight for that reason."

Commissioner Siggins: "Well, I think it was repre-
sented to us Mr. Parma that Mr. Meehan had made out
a Power of Attorney on March 22nd of 1978."

Floyd Parma: "That's correct."

Commissioner Siggins: "In which he gave Joan Meehan
Power of Attorney to the right to sell that business
known by me as the San Francisco Special Patrol Beat,
B-E-A-T and it has been represented to us that she had
entered into some agreement to sell two beats prior
to Mr. Meehan's death, I think it was April 23rd, is
that right?...April 26th and that the purchaser Serge
White, of course, wanted to make sure that he gets
proper title and I think the record should show the
Power of Attorney and also the execution of the docu-
ment selling it before the date of death is that.....
I believe Mr. Rolovich has the contract with him and
he is somewhat familiar more so with the file than I
and perhaps he can answer some questions as to the
date the contract was consumated."

Officer Rolovich: "Basically, what transpired, Mr.
Meehan became ill and while he was making this Bill
of Sale to Mr. White and in the interim he was hospit-
alized and had his wife make Power of Attorney through
her attorney and so forth, and while the continuing
Bill of Sale and everything was being processed to
be presented before the Board, he passed away unfortu-
nately, that was maybe two weeks ago and that's how

they stand. You see, while he was alive he did make out theBill of Sale was completed and signed and also the Power of Attorney prior to that was also signed."

Commissioner Siggins: "Right, but then the transfer was to take place, I think, upon approval of the Police Commission, so there is really no transfer prior to death. Now we also asked whether or not Mr. Meehan had made a Will and Mrs. Meehan said yes he had and she was the beneficiary."

Floyd Parma: "That's correct there is a last Will and Testament and Mrs. Meehan is the sole beneficiary in that Will."

Commissioner Siggins: "Okay, I would be willing to recommend the approval of the transfer."

Commissioner Toler: "I second the motion."

Commissioner Murphy: "I move the approval."

Commissioner Toler: "I second the motion."

Commissioner Siggins: "Seconded, all in favor?"

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 225-78

PATROL SPECIAL OFFICER THOMAS S. MEEHAN (DECEASED) -
REVOKED

RESOLVED, that the appointment of Patrol Special Officer Thomas S. Meehan (Deceased) for Beats No. 11 and 32, Southern Police district, be, and the same is hereby revoked, effective May 10, 1978, he having sold his beat to Patrol Special Officer Serge White.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 226-78

PATROL SPECIAL OFFICER SERGE J. WHITE - APPROVED

RESOLVED, that Serge J. White, be, and he is hereby appointed a Patrol Special Officer for Beats No. 11 and No. 32, Southern Police District; said appointment effective May 10, 1978, he having purchased Beats No. 11 and No. 32, Southern Police District, from Thomas S. Meehan (deceased).

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

SETTING OF DATE FOR THE HEARING OF CAPTAIN J. WILLIAM CONROY, PARK POLICE STATION.

Stephen Bley: "Stephen Bley appearing for Captain Conroy, I had a discussion with one of the representatives of the Legal Department and we had agreed, I believe, to the 21st of June for the Hearing. I did advise him that my estimation for the duration of this Hearing may be two to three evenings, so I just put you on notice simply to assist you in planning your calendar. I would also suggest that if you find it amenable that we may want to calendar this Hearing for the Auditorium upstairs because we have been notified by interested members of the Community that they would like to attend and we have indication that it would be somewhere between 3 and maybe 4 hundred people that may attend all, or part on those nights."

Commissioner Siggins: "I take it that this is going to be an open meeting....."

Commissioner Sanchez: "Meeting and discussion right? And/or go ahead."

Stephen Bley: "Yes. We are also asking.....we have been contacted by several of the television stations and they have asked us if we would object to having it televised and we would like the record to indicate that we would welcome the opportunity, and especially if it's held upstairs, I think it would be a minimum of inconvenience to the Commission. I understand the feelings they have sometimes down here because of the close quarters but the auditorium I think is more....."

Commissioner Siggins: "Well, let's.....we'll decide on that."

Lieutenant Trueb: We would like to make an objection to the Television on the part of the Department, not necessarily to the issue of this particular case. The

previous request for the media to have admission to the public hearings on this Commission for whatever matter has been heavily considered by this Commission and previous Commissions. There is a disruptive aspect, particularly by the television medium because of the lights and it tends to cause protracted Hearings and meetings and it has been the policy of the Department to object to any such request, and we would like to register that request for the record now or that objection for the record now."

Stephen Bley: "There is a precedent that has been set as I recall, a very famous Hearing between I think it was the Honorable William Murphy and at that time Deputy Chief Mortimer McInerney, that will live in infamy, the Hearing that is. I believe we have another matter the next one I presume the Commission is going to take that under their advisement as to the request for an open Hearing as to the television. We have a matter of D'Arcy and....."

Sergeant Frazier: "Those are the next two items."

Commissioner Murphy: "Are you suggesting that we have from the 21st to the 28th and possibly the 5th of July as being the three days or were you suggesting that maybe we have it like Monday, Wednesday and something else?"

Stephen Bley: "Well no, I have no objection of having it weekly spaced, I think just for perhaps physical comfort if the first Hearing should go 5, 6, 7 or 8 hours, I believe probably just physical endurance might dictate that we have the next calling of this maybe a week later if that's convenient with you. Also, the fact that we will have so many witnesses, I don't know if we will want to keep on pulling out almost the entire Park Station to be out here three times in one week."

Commissioner Toler: "How many hours.....?"

Commissioner Siggins: "If there were TV what would you call it, Constable's constituency or what?"

Stephen Bley: "No, no this would simply be interested members of the Community that wish to express by their presence their support of Captain Conroy and also their interest in the workings of this Commission and all City Bodies of equivalent rank."

Commissioner Siggins: "Well the 21st is alright if it is okay with you, it's alright with the Department. And we will get started there and maybe we can cut it shorter. Seems like the last one was cumulative in some areas."

Stephen Bley: "Well, I haven't been given all of the Discovery yet so I really don't know what witnesses will be required. I believe as I said I think I have the next matter also."

Commissioner Siggins: "Oh, fine."

RESOLUTION NO. 227-78

DATE TO BE SET FOR HEARING OF CAPTAIN J. WILLIAM CONROY, PARK POLICE STATION.

WHEREAS, the date to be set for the disciplinary hearing of Captain J. William Conroy, Traffic Bureau, was called; and

WHEREAS, it was requested by Captain J. William Conroy that his hearing before the Police Commission be set for Wednesday, June 21, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Captain J. William Conroy, Traffic Bureau, is set for Wednesday, June 21, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICERS JOHN CHESTNUT AND BRIAN D'ARCY, CRIME SPECIFIC TASK FORCE UNIT

Stephen Bley: "I believe I am the representative for both of these gentlemen, I recall vaguely the incident which I think was a number of months ago. Since I haven't had an opportunity to discuss the matter or even see the charges with the gentlemen and as I recall there were many, many witnesses to this, this I think involved a discharge of a firearm on a public street and I would ask that this be put over a little while for me to, first, talk to my clients and find out what it is before we even set a date. I think the calendar is becoming fairly crowded between now and toward the end of June. We have several matters on so if the Commission would not object, I would ask if we could put this on for setting the night of Captain Conroy's Hearing. I have already written a letter. When I heard I was going to be

representing them, for Discovery, but this is the first that I find that it is on the calendar is this evening. I don't believe my clients even know it is on the calendar or they would, of course, have been here."

Chief Gain: "If I may speak Mr. President, of course usually Mr. Bley, notifications are merely a matter of the Commission acknowledging the filing of the charges and we don't anticipate that the attorney would be here."

Stephen Bley: "I didn't come on that alone, I just happened to be here this evening."

Chief Gain: "That date is agreeable with us so we can make arrangements to set it."

Commissioner Murphy: "Are these two to be heard together, are they the same, D'Arcy and Chestnut?"

Stephen Bley: "I believe it is the same set of facts."

Commissioner Murphy: "Same set of facts, so it would be....."

Stephen Bley: "One Hearing."

Commissioner Murphy: "One Hearing."

Lieutenant Trueb: "We haven't agreed to that, but that was our position, also that they could be joined."

Stephen Bley: "So that would also be for setting on June 21st?"

Commissioner Siggins: "Okay."

Stephen Bley: "Thank you very much."

Commissioner Murphy: "Why....it's alright with me, but why is it so long, we are just at May 10th, that's over a month?"

Stephen Bley: "Well it has been almost, about 8 months since I think the incident, I have gotten no Discovery, I gather....."

Commissioner Murphy: "No, I was thinking about the Conroy thing too, why over a month away?"

Stephen Bley: "I haven't even gotten all of the Discovery yet."

Commissioner Murphy: "I see."

Commissioner Siggins: "If he weren't here we would be setting it over for next week or two weeks just for setting of a date anyway."

Commissioner Murphy: "In any event, I see, okay."

Stephen Bley: "Thank you very much."

Lieutenant Trueb: "We have been in contact with council on that and there may be some stipulation that we can make in that case which could expedite the matter, but we haven't even gotten to that yet."

Commissioner Siggins: "They are not under suspension?"

Lieutenant Trueb: "No."

Stephen Bley: "Thank you again."

RESOLUTION NO. 228-78

POLICE OFFICER JOHN CHESTNUT, CRIME SPECIFIC TASK FORCE UNIT.

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer John Chestnut, Crime Specific Task Force Unit, as follows:

SPECIFICATION NO. 1

Off-Duty Intoxication Impairing Ability to Perform Police Duty. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Neglect of Duty Subverting Good Order, Efficiency and Discipline. (Violation

of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore
be it

RESOLVED, that the date for the setting of the disciplinary hearing before the Police Commission for Police Officer John Chestnut, Crime Specific Task Force Unit, be, and the same is hereby set for Wednesday, June 21, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins

NOT VOTING: Commissioner Ciani:

RESOLUTION NO. 330-78

POLICE OFFICER BRIAN D'ARCY, CRIME SPECIFIC TASK
FORCE UNIT

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Brian D'Arcy, Crime Specific Task Force Unit, as follows:

SPECIFICATION NO. 1

Off-Duty Intoxication Impairing
Ability to Perform Police Duty.
(Violation of Section 2.125 of
the Rules and Procedures of the
San Francisco Police Department.)

SPECIFICATION NO. 2

Neglect of Duty Subverting Good Order,
Efficiency, and Discipline. (Violation
of Section 2.13 of the Rules and Pro-
cedures of the San Francisco Police
Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the date for the setting of the disciplinary hearing before the Police Commission for Police Officer Brian D'Arcy, Crime Specific Task Force Unit, be, and the same is hereby set for Wednesday, June 21, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Murphy, Sanchez, Toler,
Siggins,

NOT VOTING: Commissioner Ciani

Commissioner Siggins: "Anything further?"

Commissioner Murphy: "Should we say anything about
the Monday meeting?"

Commissioner Siggins: "Yes."

Commissioner Sanchez: "Also, I think there might be
a discussion about possibly electing a Vice-Chairperson
for the Commission. I think this might be brought up,
either you know now and then having to vote on it when
we have a full board, I mean full Commission, but I
believe this might be a point of discussion, and if
so, I would speak in favor of it. Or perhaps we could
have that for the next meeting."

Commissioner Siggins: "Next Wednesday, how about next
Wednesday because everybody's here."

Commissioner Murphy: "I do think we should say some-
thing about the meeting that is going to be scheduled,
however, for Monday at noon for discussion of Officers'
for Justice proposed Consent Decree, there will be such
a meeting, open meeting."

Commissioner Siggins: "We are going to have a meeting
on Monday at noon."

Commissioner Toler: "But the Chief will not be here
though."

Commissioner Murphy: "But the Commission will have
a meeting."

Commissioner Sanchez: "And the Commission will, right,
vote or whatever."

Commissioner Siggins: "Anything else?"

Commissioner Toler: "I move we adjourn."

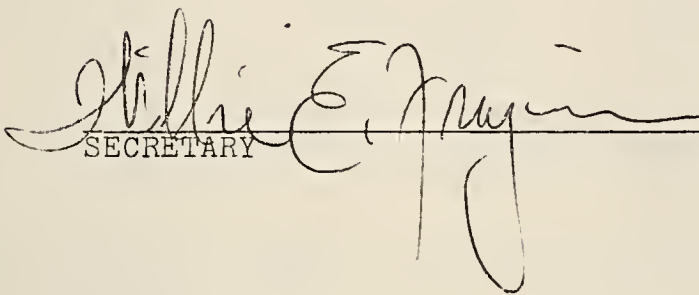
Commissioner Sanchez: "Second."

Commissioner Siggins: "Motion by Commissioner Toler, seconded by Commissioner Sanchez, all in favor?"

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NOT VOTING: Commissioner Ciani

The Commission adjourned its meeting at 1812 hours.


SECRETARY

15 MAY 1978

SPECIAL MEETING

Minutes
The Police Commission of the City and County of San Francisco met in the 6th floor Auditorium, Hall of Justice, 850 Bryant Street, on Monday, May 15, 1978 at 1200 hours in Special Session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler
Siggins

Commissioner Siggins presiding.

JUL 31 1978

DOCUMENTS DEPT.
S.F. PUBLIC LIBRARY

RE: POLICE COMMISSION CONSIDERATION AND ACTION
ON CONSENT DECREE IN OFFICERS FOR JUSTICE LAWSUIT

Commissioner Siggins: "We have discussed this matter with the City Attorney at length and I suppose each of the Commissioners had an opportunity to discuss the proposed Consent Decree with members of the City Attorney's Office who understands the litigation and the fact that there is a lawsuit and potential settlement. Is there anybody that wants to put anything in the form of a motion?"

Commissioner Ciani: "Is that just for purposes of discussing?"

Commissioner Siggins: "Yes."

Commissioner Ciani: "Well, I would move for approval."

Commissioner Toler: "I second the motion."

Commissioner Ciani: "I would like to reserve the right to make some comments though."

Commissioner Siggins: "Alright, there is a motion by Commissioner Ciani, seconded by Commissioner Toler, that the message go to the City Attorney's Office acknowledging that the Police Commission approves the proposed Consent Decree, is that it?"

Commissioner Ciani: "That's much better stated, thank you."

Commissioner Siggins: "All in favor?"

Commissioner Ciani: "Well, I think we should have some discussion before we vote on it."

Commissioner Siggins: "Alright, discussssion by Commissioner Ciani."

Commissioner Ciani: "I will lead off since I made the motion. There are two areas I would like to comment on. First of all, just generally, the motion of the Police Commission approving this Consent Decree is probably misunderstood by a lot of people in the Department who might view this as a sellout. Without getting into confidential areas discussed between the City Attorney and the Commission, I would like to state that if we do decide to approve this, it's because we feel that it is in the best interests of the Department.

The judge has participated in the drafting of this Consent Decree and is fully aware of the terms. We believe if this were to go through trial the result would be more restrictive on the department than this decree and probably for the same period of time. Hence, I personally feel, in voting for this, that it has to be viewed in the context of the alternative, the alternative of going through a very lengthy trial which would be very disruptive and which would require a lot of testimony from members of the Department and cross examination by the City Attorney of witnesses from the department. I think this would create a very unwholesome atmosphere and further feed the ill-will that surrounds this suit and the uncertainty that has caused a lot of morale problems in the Department.

So it's against that background that I made the motion to approve. Secondly, there is an area that I have expressed reservations about before; that is the general treatment of women in this proposed Consent Decree. Looking back historically as far as 1973 when Judge Peckham issued what I think counsel refers to as a Memorandum of Opinion, that document indicates that the statistics almost create a Prima Facie case of discrimination, not only against minorities but to a greater extent against women who have been systematically excluded from the Department.

There has been no such systematic exclusion of minorities but the case as to women is obviously aggravated. Now, when the court next acted, it created an experiment of putting together a group of 60 women to be selected from the current Civil Service Q2 list and the object of this experiment was to determine whether women were able to do police work on the street. And going through the current list (which has been approved by the court as being balanced as far as the composition of racial minorities) only produced 58 women. So the list was exhausted

as to women and yet the court approved that list as being balanced. Perhaps at that point in time it was acceptable to do that because the issue still appeared to be open whether women could do police work, notwithstanding the fact that women are doing police work on the street in many other cities and have been praised, and to my knowledge have never been criticized as a group for their performance. Yet the court wanted to be sure that women in San Francisco could do police work of a type that we do here.

Now there has not been any formal finding of whether this experiment was successful. I think if you look at available evidence, even though it hasn't been presented to the court and acted on, the women have done an adequate to excellent job. I really don't know how to qualify it but I think that everyone would concede that the experiment has been a success. So right now we have a situation in which, if you grant that the experiment has been a success, the Civil Service list which is blessed by the Court has no women on it now, that list has in excess of... does anyone know the precise number remaining?"

Chief Gain: "220."

Commissioner Ciani: "220, and it's likely that before that list expires virtually everyone on that list will be hired or will be offered a position, which means that of the next 220 hires, potentially not one will be a woman. I find that objectionable.

Hence, it was at my suggestion that a provision be included which would require a separate test to result in a list of 30 women from which list appointments could be made during the existence of the current Q2 list which expires in 1979. I think that that's the absolute minimum. I wish that the course of the litigation had permitted a finding that this experiment had been a success and I wish the court had seen fit to find a way not to approve a list that has no women on it, though the list is balanced in other respects. So in supporting this Consent Decree I just want to point out that I think in view of the background of systematic exclusion of women in the past, the firm belief I have that women can do this job and the fact that this list is not going to hire additional women except possibly the 30 if this goes through. This Consent Decree is less fair to women than to minorities.

It results in an isolated group of whatever remains of the original 58 in the Department who have a hard enough time (being a small group, very recognizable group) without having the support of knowing that others are regularly coming behind. I think it makes their job even harder. That concludes my comments."

Commissioner Siggins: "Thank you Commissioner Ciani. Anybody else want to speak to Commissioner Ciani's motion?"

Commissioner Toler: "Mr. President....."

Commissioner Siggins: "Commissioner Toler?"

Commissioner Toler: "I will concur with the remarks of Commissioner Ciani. I too, feel that the Commission's approval of this Consent Decree is in the best interest of the Police Department and the City and County of San Francisco. We realize that there is many concerns that have been expressed by members of this Commission as well as the Department, but we are greatly concerned about these concerns and we wish to move this in the best interest of the City and County of San Francisco."

Commissioner Siggins: "Thank you Commissioner Toler. Commissioner Sanchez?"

Commissioner Sanchez: "I would like to express with my colleagues the fact that I too think there are a number of uniquenesses in this Consent Decree, but during our discussions and whatever, I have let my feelings be made known that I feel there are too many premises which are invalid, which necessitates that I vote against this Consent Decree.

Namely number 1, the assumptions are that as you read through it that either the lower, quote, spectrum or those minorities who have taken examinations, or whatever, do not have either the native intelligence and/or academic preparation, so therefore, there must be a reward system whereby they will be paid X number of dollars because of their failure to complete examinations and thus be put into a pool of applicants, which to me, perpetuates institutional racism rather than addressing it.

I think secondly, the assumption is that even though these tests or cluster of tests may or may not be valid because this is never proven within the Consent Decree, we as Commissioners, we as people who sit in on basic government institutions, refuse to say whether or not we, as an institution, are guilty of violations of Civil Rights litigation towards the Officers for Justice.

I could go on and on and cite a number of instances, I guess, basically again, to me there is no compromise in equity access and so forth. Rights, I think it is a question of indeed, whether or not we are setting up a not two subsystem as we talk here, or else two classes, but

if indeed, we are setting up a two class police department. I personally feel that there are a number of key issues that should be addressed and then we could work collectively, but in essence this Consent Decree is nothing more than a payoff to a small group of people, who in essence, have not proven indeed the test and/or these institutions that we sit on have practiced patterns of past discrimination and/or have violated basically the Civil Rights. So in essence, I am speaking against the proposed Decree and will be voting in the negative."

Commissioner Murphy: "Well, I believe that in the best interest of the City as well as the Police Department, that I will vote for this Consent Decree. I have the same reservations that Commissioner Sanchez has, however, I am aware of the fact that there is some possibility of losing Revenue Sharing Funds which effect many more people than the police department and many more departments than the police department. I have also discovered in a long life that you don't always get everything that you want out of every single activity and posture that one takes, and with that I guess in the spirit of compromise, I am going to vote for the Consent Decree."

Commissioner Siggins: "Alright, I will adopt the comments of Commissioner Murphy. This is a protracted piece of litigation. A good settlement in a litigation of this kind doesn't make anybody completely satisfied. Both sides have to give in and we are looking and have worked with the City Attorney's Office looking towards the end of litigation, looking toward the potential of a court ruling, looking at the potential of years of litigation at the Appellate level. I am satisfied that the judge has a grasp on the problems of this city as has other Federal Courts has had grasp of the problems in other cities in these discrimination cases that have been countrywide. I am also satisfied that before the Federal Judge imposes such a Consent Decree he will listen to the objection of the people who are going to be affected by it, including the San Francisco Police Officers' Association who sat in on some of the earlier discussions with the Federal Judge in that regard. Attorney's for the San Francisco Police Officers' Association are well aware of the laws in this area. They know the potentials of a Court ruling, secondly, I am satisfied that the Police Department can live with this Consent Decree in the next 10 years, that it doesn't satisfy everybody, it's not perfect but it is something that we can live with, at least from the point of view of the Department itself, and there are areas of this Consent Decree that require approval by the Board of Supervisors and also areas where the Civil Service Commission would be closer to the problem and can explain it better to the City Attorney's Office as far as working

out the problems. But I think the Police Commission is satisfied....I mean I am satisfied as one Police Commissioner that we can live with this, and within, and hope that the goals that are to be obtained 10 years from now can be accomplished and that we don't have two separate departments, one minority, and one dominate force, so that we can work for the good of the city with the population mix as reflected by the Census. I think that the problems that Commissioner Ciani pointed out of women can be overcome in an accelerated way by recruitment of women and by their ability to pass the validated test that we anticipate will be given, so I will be voting for approval of this Consent Decree. Can I call the question?"

Commissioner Sanchez: "Yes."

Commissioner Toler: "Yes."

Commissioner Murphy: "Yes."

Commissioner Ciani: "I wanted to make one additional comment. I know that we have some concern that not having a unanimous vote will be misunderstood. I hope that the reservations that caused Commissioner Sanchez to vote against it are put in proper perspective. I don't know if it is fair to say that your vote that reflects that the Decree doesn't go far enough, or that you would prefer a different manner of approaching the problem. I think your comments are based on principal more than really an analysis of the alternatives which is likely to be a decision of the Court along the same lines that wouldn't really meet the problems you have with the Decree. Could you help put that in perspective?"

Commissioner Sanchez: "I would have certainly called for the question a few minutes ago, but if we want to have discussion on this I have a number of concerns and I believe there was mention of perhaps a systematic exclusion of women in this, or I guess you have mentioned this over the past and we should also mention that the native Americans and American Indians have also been systematically excluded from this Consent Decree. I think that there are a number of other variables as far as the whole question of minority communities within this city have not been the basis of this litigation, and at this point rather than go on and go into specific areas in which I have serious reservation, I just would like to say again, for the record, that I feel that the basic assumptions are wrong, I can not concur with this, and therefore, I will be voting negative. If we wish to have more discussion, I would be more than happy to do so, but I leave that up to the Chair."

Commissioner Siggins: "Well, I would like to call the question."

Commissioner Ciani: "Alright."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

Commissioner Siggins: "Those opposed?"

Commissioner Sanchez: "Aye."

RESOLUTION NO. 213-78

OFFICERS FOR JUSTICE, ET AL, VS CIVIL SERVICE COM-
MISSION OF THE CITY AND COUNTY OF SAN FRANCISCO, ET
AL, CONSENT DECREE.

RESOLVED, that the Police Commission does hereby approve the Officers for Justice, et al, Plaintiffs, vs. Civil Service Commission of the City and County of San Francisco, Defendants, Consent Decree.

AYES: Commissioners Ciani, Murphy, Toler,
Siggins

NAYS: Commissioner Sanchez

Commissioner Siggins: "Anything further before we adjourn?"

Sergeant Frazier: "Nothing further before the Commission today."

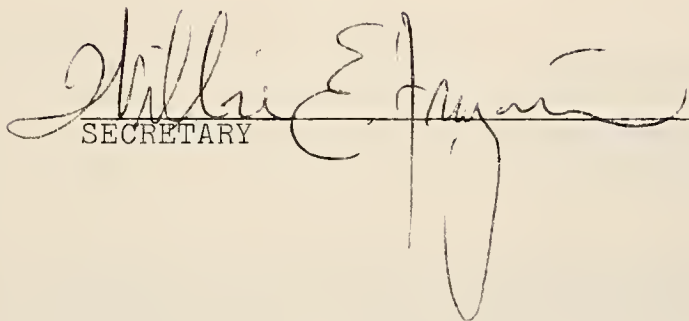
Commissioner Sanchez: "I move adjournment."

Commissioner Toler: "I second it."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

The Commission adjourned its meeting
at 1230 hours.


A horizontal line is drawn across the signature. Below the line, the word "SECRETARY" is printed in capital letters.

SECRETARY

17 MAY 1978

REGULAR MEETING

Minutes
The Police Commission of the City and County of San Francisco met in the 6th floor Auditorium, Hall of Justice, 850 Bryant Street, on Wednesday, May 17, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

Commissioner Siggins presiding.

JUL 31 1978

DOCUMENTS DEPT.
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POLICE COMMISSION RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSION VICE-PRESIDENT FOR THE BOARD OF POLICE COMMISSIONERS. - CONTINUED FOR ONE (1) WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 231-78

CHARLES CALDAROLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Caldarola against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 2, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 233-78

THOMAS CARDWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Cardwell against the City and County of San Francisco in the sum of \$421.02 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: February 25, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 235-78

LINDA ROSE HOGG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Rose Hogg against the City and County of San Francisco in the sum of \$20.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 2, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 236-78

AURELIO A. SALA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aurelio Sala against the City and County of San Francisco in the sum of \$152.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: February 8, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 237-78

ROSE MARSHALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rose Marshall against the City and County of San Francisco

in the sum of \$98.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 28, 1977

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 234-78

MARILYN WAGONIS AND HER ATTORNEYS
MERRILL, THISSEN & GAGEN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Marilyn Wagonis and her attorneys Merrill, Thissen & Gagen in the sum of \$50.00 in Superior Court Action No. 161-423 entitled "Marilyn Wagonis v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 5, 1975

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 232-78

CALIFORNIA STATE AUTOMOBILE ASSOCIATION
INTER-INSURANCE BUREAU AND TO THEIR ATTORNEYS
STAIGER, YANK, MOLINELLI AND PRESTON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of staiger, Yank, Molinelli and Preston in the sum of \$411.02 in Superior Court Action No. 704-119 entitled, "Staiger, Yank, Molinelli and Preston v. City and County of San Francisco, et al.," as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: October 22, 1974

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 238-78

TRAVELING EXPENSE VOUCHERS -APPROVED

RESOLVED, that Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Police Officer Dirk J. Beijan,	)		(Self-defense and
Personnel & Training-Academy Staff	)	\$424.50 each	(Arrest Techniques Instructors' Course
	)		(at Santa Rosa, California, from April
	)		(17, 1978 to April 28, 1978, inclusive.
Police Officer Joseph Mollo,)		
Personnel & Training-Academy Staff)		

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 239-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Police Officer Phillip J. Dito	)	\$514.00	(Narcotic Investigators Training Course at Sacramento, California,
Narcotics Unit	)	each	(April 10, 1978 to April 22, 1978, inclusive.
Police Officer Thomas P. Donohoe)		
Narcotics Unit)		

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 240-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police

Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved: ,

Sergeant John T. O'Shea) \$526.56 (National Con-
Intelligence Unit) (ference of Law
(Enforcement In-
(telligence Units
(at New Orleans,
(Louisiana, from
(April 25, 1978 to
(April 28, 1978, in-
(clusive.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 299-78

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF JEREMIAH P. TAYLOR, FIELD OPERATIONS, AND SERGEANT JOHN T. O'SHEA, INTELLIGENCE DIVISION, AT THE INTERNATIONAL SENIOR EXECUTIVE SEMINAR ON TERRORISM AT PASADENA, CALIFORNIA, FROM MAY 31, 1978 TO JUNE 2, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief Jeremiah P. Taylor, Field Operations, and Sergeant John T. O'Shea, Intelligence Division, be detailed to attend the International Senior Executive Seminar on Terrorism at Pasadena, California, from May 31, 1978 to June 2, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Deputy Chief Taylor and Sergeant O'Shea, in a sum not to exceed \$201.20 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 241-78

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of \$4,916,211 from any legally available funds, and credit it to the following appropriations in the amounts indicated:

Appropriation No. 8.161.863.000
Mandatory Fringe Benefits
8.697.860.000 \$4,875,493

8.123.860.001 \$ 40,728
 \$4,916,221

to complete retirement allowances for FY 1978-79
based on new rates.

AYES: Commissioners Ciani, Murphy, Sanchez,
 Toler, Siggins

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week		
sick	57	52
Daily average for the week		
disabled	<u>96</u>	<u>97</u>
TOTALS	153	149

This is an increase of four (4) members off duty
daily from the previous week.

Daily percentage for the week sick	3.12
Daily percentage for the week disabled	<u>5.91</u>
TOTAL	9.03

Disabled at the start of the week	97
Started during the week	19
Returned during the week	9
Disabled at the end of the week	107
Net Gain or Loss	+10

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
APRIL 19, 1977 AT 2400 HOURS:

Daily average for the week sick	89
Daily average for the week disabled	<u>95</u>
TOTAL	184
Daily percentage for the week sick	4.17
Daily percentage for the week disabled	<u>5.75</u>
TOTAL	9.92

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,

MARCH 21, 1978 AT 2400 HOURS:

Daily average for the week sick	62
Daily average for the week disabled	<u>99</u>
TOTAL	161
Daily percentage for the week sick	3.44
Daily percentage for the week disabled	<u>5.95</u>
TOTAL	9.39

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report tonight Mr. President, members of the Commission."

TRANSFER OF TAXICAB PERMITS - (CONTINUED FROM THE MEETING OF MAY 3, 1978) - CONTINUED FOR ONE (1) WEEK.

The transfer of two taxicab permits from Kin Woo Lee to Universal Cab Company, Inc., has been continued for one (1) week.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

TRANSFER OF LIMOUSINE PERMIT - APPROVED

The matter of the transfer of the right to operate a limousine by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a limousine to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO.OF PERMITS</u>
Kevin C. Germano 118 Fairbanks Avenue San Francisco, Ca.	Robert Oziel 38 Oaklawn Drive #4 Daly City, Ca.	1

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

STATUS REPORT ON THE REQUEST FOR PERMISSION OF
THE POLICE COMMISSION TO MAKE FIVE (5) NON-CIVIL
SERVICE APPOINTMENTS OF POLICE OFFICERS (Q2) TO
THE RANK OF ASSISTANT INSPECTOR (Q35) UNDER THE
PROVISIONS OF CHARTER SECTION 8.332 - CONTINUED
TWO (2) WEEKS.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

STATUS REPORT RELATIVE TO THE DEPARTMENT STAFF
PROPOSED MISDEMEANOR CITATION PROCEDURES - (CON-
TINUED FROM THE MEETING OF APRIL 12, 1978.) - CON-
TINUED FOR TWO (2) WEEKS.

Chief Gain: "Mr. President, members of the Com-
mission, as you know we have been working with
citizen groups in regards to those procedures.
We feel now that we have resolved the problems
and we will now be making a final draft of the
Misdemeanor Citation Procedures which will go to
the Employee Organizations next week and then
after that to the Commission for a Public Hear-
ing. (Continued for two weeks.)

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 242-78

PATROL SPECIAL OFFICER RAYMOND ADKINS

WHEREAS, charges of violating the Rules
and Procedures of the San Francisco Police De-
partment were filed against Patrol Special Officer
Raymond Adkins, as follows:

SPECIFICATION NO. 1

Soliciting or Accepting Clients Outside the Confines of the Defined Beat. (Violation of Section 3.437 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department.)

SPECIFICATION NO.2

Leaving Beat, Absent Specified Exigent Circumstances. (Violation of Rule 9.29 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the date for the setting of the disciplinary hearing before the Police Commission for Patrol Special Officer Raymond Adkins, be, and the same is hereby set for Wednesday, May 24, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

DATE TO BE SET FOR HEARING OF GROVER FORD, MUNI
TRANSIT SECURITY OFFICER.

Gordon Barranco: "Good evening members of the Commission. My name is Gordon Barranco, I have been contacted by Mr. Grover Ford and will represent him at the Hearing on this particular matter. I trust the Commission is in receipt of my letter dated May 10, 1978 with the attachments thereto, including the Clerks Minute Order."

Commissioner Siggins: "Yes we have that, but the question now is what does the Department want to do?"

Lawrence Wilson: "Mr. President, the Department does want to set a date and does want to have a Hearing."

Gordon Barranco: "May 31st, Mr. Siggins, is that appropriate?"

Commissioner Siggins: "Alright?"

Lawrence Wilson: "That's agreeable with the Department."

Commissioner Siggins: "Alright."

Gordon Barranco: "I just have one question. I have the complaint, a copy of the complaint signed by Chief Gain, but I have no date on that complaint and I am wondering if someone could let me know on what date the complaint was filed?"

Chief Gain: "Yes, our attorney can."

Lawrence Wilson: "Yes, the complaint was executed on the 3rd of February, 1978."

Gordon Barranco: "Thank you. May 31st, at what time?"

Commissioner Siggins: "5:30 Mr. Barranco."

Gordon Barranco: "Thank you."

RESOLUTION NO. 243-78

DATE TO BE SET FOR HEARING OF GROVER FORD, MUNI
TRANSIT SECURITY OFFICER.

WHEREAS, the date to be set for the disciplinary hearing of Grover Ford, Muni Transit Security Officer, was called; and

WHEREAS, it was requested by Grover Ford, Muni Transit Security Officer, that his hearing before the Police Commission be set for May 31, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Grover Ford, Muni Transit Security Officer, is set for Wednesday, May 31, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

PUBLIC HEARING RELATIVE TO THE POLICE DEPARTMENT'S DECOY PROGRAM.

Commissioner Siggins: "I call on Commissioner Murphy before we start the Public Hearing."

Commissioner Murphy: "Sometime back I was privileged to witness and be a part of the Fishing Program of this department and I would like to read the following because this is the opening of the fishing season again this year.

It says: 'The opening of the 1978 Police Fishing Program as the season approaches, I think it is appropriate to acknowledge the outstanding service provided by 12 members of the San Francisco Police Department during the '77 fishing season.

These 12 officers gave freely of their own time for the youngsters of San Francisco to participate in one of the most enjoyable sports, fishing. As a member of the Police Commission I wish to acknowledge and commend these officers for their service. It is appreciated by me and I am certain appreciated by my fellow members of the Police Commission and the citizens of San Francisco, but more importantly, by the 5,000 youngsters who went fishing last year because the San Francisco Police Fishing Program gave them the opportunity they wouldn't have had otherwise:

Sergeant Owen Kenny, Central Station
Sergeant James Norman, Central Station
Sergeant Robert O'Brien, Northern Station
Inspector Louis Lougouri, Investigations
Bureau
Officer George Bodrov, Crime Specific
Task Force
Officer David Dolan, Taraval Station
Officer William Gaye, Crime Specific
Task Force
Officer Douglas Buchanan, Youth Services
Division
Officer Lawrence Minasian, Park Station
Officer Michael O'Toole, Public Affairs
Officer
Max Schenk, retired
Officer Lawrence Wong, Project SAFE.'

There's a galaxy of talent here and we are very appreciative and I know this will go in their personnel files. Thank you very much."

Commissioner Siggins: "Thank you very much Commissioner Murphy."

Commissioner Murphy: "I would like to make a motion that this be considered a Commendation of the Commission and be placed in their personnel files."

Commissioner Sanchez: "I so move."

Commissioner Siggins: "Seconded, all in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins: "We are gathered here tonight for a public hearing regarding the Police Decoy Program and the conduct of the Street Crimes Unit. Some months back I received a letter..... the Commission received a letter from Mr. Leroy Lefcourt, the Staff Attorney of the Bayview-Hunterspoint Community Center, I think and he asked for public hearings. The letter called the Decoy Program a cruel joke, a public relations scheme to convince the public that crime was being combatted by tactics to do nothing more than harrass the destitute who inhabit our city's poorest neighborhoods. Sometime after that Mr. Dennis P. Riordan, the Deputy State Public Defender, said that he had a list of some 20 attorneys who endorsed the statement that Mr. Lefcourt had sent to us in his letter and through that.....because of that we have now arranged for this public hearing and invited anybody to speak on it. Do we have some speakers tonight?"

Sergeant Frazier: "Yes, we have 16 people who have signed request to speak cards. In addition to that, we have a letter from Mr. Dennis P. Riordan and in that letter he enumerates 6 people, I believe it is,.....7 people he feels will come forward and speak on the issue."

Commissioner Siggins: "Are the cards listed as proponents of the program?"

Sergeant Frazier: "They do not indicate on the cards as to whether they are pro or con."

Commissioner Siggins: "Are the names of the 6 persons with Mr. Riordan included with the 16?"

Sergeant Frazier: "I haven't had a chance to check that out Commissioners as to whether there are any duplications or not. I don't think there is....I can check right quick here."

Commissioner Siggins: "Is there anybody here that expects to speak for more than five minutes on the program?"

Dennis Riordan: "Yes, I am Dennis Riordan, and I expect to speak for about 10 to 15 minutes."

Commissioner Sanchez: "If we might, I would entertain the thought that perhaps the Chief might give us a brief portrait or abstract or whatever on number 1, what is the justification for this unit, what has been some of the strengths within and whatever and somebody is going to say, a group respond and in this way all of us start with a common denominator as part of an understanding in getting this whole hearing. If not then you may have a number of, perhaps, people speaking to items which may not have their concern or else some concern that maybe people would like to speak about. So I am going to request that the Chief could give us some sort of historical background on why and what's the justification as far as law enforcement and (inaudible) what the difference is."

Chief Gain: "Mr. President, the background is this, first of all crime in the City of San Francisco as seen by its citizens; when the administration first took office in January 1976, we were confronted with 15% increase in serious crime which had occurred in 1975. Throughout 1976 we experienced a continued increase, particularly in violent crime, strongarm robbery and things of that nature on the street. We implemented various programs and we came to the conclusion in February 1977 that the most effective way to provide protection for our citizens from violent street crimes is to institute a Street Crimes Unit Decoy Operation. We identified that which was well known, that is, the Tenderloin particularly was one of the highest crime areas of the City and also parts of the Western Addition and South of Market area. The purpose then of the decoy operation was and is to focus on violent street crimes such as homicide, that is murder, rape, strongarm robberies, and armed robberies and aggravated assaults. They were deployed in the target areas consistently during 1977. The basic method used by the decoy officer was to place himself as a potential crime victim. There are backup officers nearby and if that decoy officer is the subject of a crime then an arrest is made. The operation has and is and will be totally within the law. It is not entrapment, and based upon evaluation of the operation, and we studied, for example, the period of operation from February 1977 to February 1978 and we compared it to the period a year before that and we found, for example, that when it came to serious crimes overall that that vehicle was focusing upon was a 22% overall decrease. There was a 30% decrease

in robberies in the target areas, particularly a 24% decrease in strongarm and a 30% approximate decrease in armed robbery. Murder showed a 34% decrease. All of these were greater than when experienced citywide in regard to the same crime. So the unit then was established to provide citizen safety based upon evaluation as done....That, then, there was a justification for starting the unit and the reason it has been maintained. And I would say as Chief of Police that, without question, had we not had the decoy operation, had we not realized the ongoing activities of the decoy officers, many times heroic, the city would not have been made as safe as it has been and emphatically, I as Chief of Police support it and intend to continue it indefinitely. Thank you."

Commissioner Siggins: "Sergeant Frazier, will you call the speakers and I think we might as well start with Mr. Riordan."

Sergeant Frazier: "The first speaker will be Mr. Dennis P. Riordan."

Dennis Riordan: "Thank you,....."

Commissioner Ciani: "Before you start let me clarify that you are going to speak for only 10 or 15 minutes and the other speakers will confine their remarks to five minutes."

Dennis Riordan: "I think that most of our other speakers intend to speak briefly, 5 minutes. My name is Dennis Riordan, I am a Deputy State Public Defender and a member of the group that requested this hearing. I would like to outline our basic position and denote some of the other areas that will be handled by other speakers. I would make one preliminary remark, all of our remarks and all of our activity occurred before 1:10 a.m., this morning. As you know there was a death involved in the decoy operations. I know nothing more about that than what I have read in the newspapers. I think both myself and Chief Gain and Mr. Beene would all agree that up to this point at least violent confrontation, with of course one notable exception that is the death of Officer Gibbs, has not been an issue with the decoy program. Whether that will change in the future I don't know but my remarks with one brief one at the end are directed not at all to last night's incident. The first thing I would like to do is make absolutely clear what we are not opposing. We are not opposing all decoy operations. I think some of you might have read about an incident in San Jose several weeks ago, months ago now, I know what I read in the paper. The article said that an armed assailant approached a woman who appeared to be waiting at a bus stop accosted her, attempted a rape and found himself facing the muzzle of a police revolver. Okay, that

is a decoy operation, it is not the kind of decoy operation we are opposing and the reason for that is simple that it is very rarely relevant to hear because San Francisco uses a very different kind of decoy operation. We are talking about the 487.2 decoy operation. 487.2 being theft from the person that section of the Penal Code. As we surely can agree from the reports prepared on April 14, 1978, 95% of San Francisco's decoy operations are 487.2 operations. What this means is that a police officer goes out into the street, either lies on a bench or feigns intoxication or unconsciousness or sleep, has merchandise or currency somewhere in view and waits to see if someone will come by and take it. What we are talking about is an operation which is designed to convince passerbys that they can take that merchandise or that money without being apprehended or detected in anyway, and of course, later they find that that's not true. Now Chief Gain has described the objective of this. The objective is to stop violent crime. That, of course, is a commendable objective, it's one that we certainly share. What we are here to do today is to explain what we think is transparently clear, that it can't stop violent crime, it doesn't stop violent crime. Now the difference between this operation and the one that I have just described in San Jose is that if someone accost a possible rape victim, if someone comes up and accost a Police Officer at knife point, you can be assured if you apprehend that victim, he or she is capable of committing a violent crime because they have just committed a violent crime. Okay, there can be no argument that they are the kind of people who could commit a rape or an assault. Now what can we say about someone who when they walk down the street, sees money, sees an unconscious or drunk victim, sees a piece of merchandise that can apparently be picked up and walked away with, we can say that they are dishonest, that there is a streak of dishonesty in them, but can we say that they are capable of committing a violent crime? Well, at this point the Police Department's theory is outlined in an article by Sergeant Dachauer I believe it is, of the Street Crimes Unit. It's at page 105 of the California Journal of Law Enforcement and if asked, how can you say that, someone who would pick up money like that would also accost someone and commit a violent crime, his position is, it's a crime of opportunity. Violent criminals are opportunist, ergo, if you take the money you are a violent criminal, you've committed a crime of opportunity. Well, if that syllogism was solid, I suppose it would be tough to argue with, however, it's an unfortunate fact that millions of Americans will take two dollars that doesn't belong to them if they think they can get away with it, and it can't be said that the same millions would commit a violent crime, and if we look at the New York Times of November 17th, 1973, the Internal Affairs Division of the New York City Police Department ran an experiment where they would give officers, plainclothes people would give officers money, and say return it

to the department as they are obligated to do by law, also obligated to do by department regulations. Thirty per cent of the officers kept the money. Now it certainly doesn't mean that thirty per cent of those officers, it does seem to suggest dishonestness, certainly doesn't mean that they are violent criminals. In fact, the officers then conducted a study. They put money out on the street and a denomination that legally you're required to return it, they found that 80% of the public, according to their study would take the money and not replace it. 80% of the public are not violent criminals. Can we say that this operation is getting violent criminals? Well, ultimately as Jeff Brown and Darold Inouye of the Public Defenders Office can attest and will attest, as we know it is not doing it because the people who come through are not in any sense uniformly violent criminals. They are drunks often, they are alcoholics, they are destitute, they are often naive and I don't think that some of them are capable of committing a violent crime, but if we are spending \$90,000 a month and the objective is to end violent crime then we ought to be getting that breed of person who is committing the crimes that we are worried about. In this analysis April 14th of the first 500 decoy people had an arrest, a previous arrest for a crime of violence, which means that 62% of the people didn't. Now that's our impression for every person who we get in the decoy problem and who may be a potentially violent criminal, we are getting two where there is no indication that that's true. Okay, but then we come down to the bottom line, Police Chief Gain has just referred to it, and what he has said is that ultimately we can show that since the decoy program was instituted, violent crime has decreased in the target area. Now I would like to take your indulgence for one minute because we are going to have to use my charts over here. We will show you from the same statistics that there has been no decrease, none, in violent crime since the decoy program started, okay, and let me just use one slightly ridiculous illustration which I think will illustrate our point. Assume the following, in 1975 the crime rate travels along at a certain rate, okay, in 1976, the armed robbers convention of the United States is held in San Francisco over the course of that 3 or 4 months where the convention is here, armed robberies statistics go up astronomically. The Mayor becomes aware of it, he forbids the convention and in 1977 starting in February, the decoy program is instituted, okay, if at that point violent crimes after the decoy program was instituted were absolutely flat, it seems to me it would indicate that there may not be any influence of the decoy program, but if you compare 77 with that flat line to 76 when we had the armed robbers convention, you would get a dramatic difference, but I think you could argue that it wasn't the decoy program which had an absolutely flat armed robbery rate that had anything to do with the decrease between 77 and 76.

Now I want you to look at the statistics provided by the Police Department, now I am going to go over here for a moment, what it indicates is that in November of 1976, San Francisco had the most violent crime month than it ever had in its entire history. Okay, look at your.....do the Commissioners have this report? Alright, chart 3, okay, we are now talking about 1976 chart 3, look at November on the citywide total robbery chart, it's on page 10, okay, you can see the peak there, alright, in November. Alright, in the next two months before this decoy program that we are talking about which was instituted in February 1977, after Lieutenant Beene returned from New York, it was instituted, we saw the most dramatic drop in armed robbery we have ever seen in the city's history. In December of '76 it went down terrifically. In January of '77 it went down 22% over the preceding January, it was a very dramatic drop in armed robbery, okay, before the decoy program was instituted. Now let's look and the illustration is not large here, but you will find them, you'll find them on all of your charts and once again these are the police department's charts. Let's look at what happened, the strong-arm robbery, armed robbery and aggravated assault after the program is instituted, now this is when we should be seeing some effect like month by month crime stats drop, they go up and down and up. they go down, they go up, they go down, they are back at the end to where they started. After the decoy program was instituted we see a straight line virtually in strongarm robbery, we see a straight line in armed robbery, we see a straight line in aggravated assault. Chief Gain is absolutely right, if you took the total arrest of '77 and compared them to '76, they would be much lower, but the decrease came before the department er....decoy program was ever operated it dropped like this before you even began. So it seems to me if the decoy program is stopping armed robbery from here we ought to be seeing it as it goes....right here we have 200 decoy arrest, 200 decoy arrest, 1200 decoy arrest for the year, you get a straight line, okay, that's the same statistics as Chief Gain has given you, but I think if you start at the point and all of you it is on your pages on armed robberies, year 2 target area, for instance page 12, it began in February, for the next 6 months in the target area armed robbery rose, slightly, not much then it fell, slightly, not much back to where it began. But the year of the decoy operations in all target crimes there hasn't been any appreciable effect that can be demonstrated of the program. So I don't think it is effective. I don't think it is effective. People say, well you know what the bottom line is, the bottom line is that it makes people feel better. I think that they might be right, I think people are terrified of crime, and I think that if they are told that the decoy operation is reducing it, they are for it. I would be for it too if I didn't know something about the statistics involved with it. I will just leave with one or two more remarks, and they are this, if it is not effective, okay, if, and I think statistics indicate we haven't had a drop in crime, if we are not

arresting that many violent criminals and if what we are doing is nailing those people, and there are a lot of them in this society, I am a lawyer, I have seen it all of the time, you are out to lunch with someone, they take you out to lunch and they write it off on some expense setup. Let's set up traps for, or around, negotiable bonds, let's go for or perhaps offer as they did in New York, offer wallets to police officers and the PBA they were absolutely right, they said doesn't the Police Department have anything better to do than entrap it's own officers? I agree, but what is goose for the gander is sauce for the goose is sauce for the gander how about the Tenderloin, it's the same way. The only remark that I will make about last night is this: 'There is certainly.....I have no reason to believe that....at this point I've read the newspaper that the police acted improperly then in anyway we know that a man died, we know that Officer Gibbs died, we know that there have been examples of decoy programs before, the Stress Program, in Detroit, the Lieutenant or Chief Gain will tell you 15 citizens killed by police, Coleman Young ran to abolish it and he did abolish it. We haven't had that problem here, but now we are on our second death, and it may occur again. The program had to be dropped in Atlanta in an article. ...Lieutenant Beene participated in July 10, 1977, New York Times, they discussed the Detroit and Atlanta decoy programs and why they had to be dropped because of the number of deaths caused. But if we are going to have it, what we would suggest is this, we would suggest nothing more than was suggested by Lieutenant Beene or very little more in a memorandum called San Francisco Police Department Street Crimes Unit. On the last page of that and I have them available for the Commissioners if they would like them, he said, 'We are not going to use the tactics of assuming a prone position, we are not going to use the tactics of assuming the role of an intoxicated person and we are not going to flagrantly display U.S. Currency or other items of great value.' What we want to see is an end to officers lying unconscious on the street. What we want to see is an end to the display of currency or the old camera in the top of the back pack. What we want to see is the end of attempts to look unconscious and so forth and so on. If there are other kinds of undercover operations that the police department feel can be run without danger to their officers we will cross that bridge when we come to it, perhaps they will be effective, perhaps they won't. But the program they have now is the 487.2 program that the 95% of these kinds of arrests, you know it cost the police department \$90,000, it cost the courts a lot of money, it cost....you have to pay the Public Defender, you have to pay the District Attornies, and you know what happens when the case gets to court, the judge says, 'I have got a murder to deal with, I have got a robbery to deal with, I have got a rape to deal with.' You tell this to your client, plead

guilty, I will reduce it to a misdemeanor and you walk. Sure you get an 85% conviction rate, it runs through the criminal justice system like this and I suppose the rejoinder could be well they ought to hit them harder. Look, if you've got people caught committing murders, rapes, robberies, you are not going to devote too much time to one of these silly cases and I think that's where our position stands. We think ultimately....last night and with Officer Gibbs, it was violence involved, it was tragedy involved, but ultimately that isn't the problem with the decoy program as we have seen it. It's silly, it's silly, and it's a waste of money. Thank you."

Chief Gain: "If I may make an observation on the charts he indicated that crime started to drop dramatically in the middle of December, and as a matter of fact, the Street Crimes Unit of 75 officers commenced in November through funding by the Mayor and Board of Supervisors and were assigned to that area in great numbers, hence we believe one of the reasons why crime went down so dramatically then. It was actually the decoy operation which commenced in February, based upon the very appropriate, very immediate techniques. The Stress Program that he referred to in Detroit, I think, was something different than this. That is for sure. It was not the same type of program. Our program is similar to New York. And if I may comment on the incident at one o'clock this morning, it was, in fact, a typical decoy operation that's now being described. What occurred at one o'clock this morning is that a decoy officer had an envelope in his pocket and it happened to be payday yesterday for pensioners. So he had it in his pocket which is the usual thing in that area, about 3 one dollar bills in the envelope, and individual came up to the officer who looked defenseless and so on, he took the envelope and walked away. When the backup officers then went to apprehend him is when the shooting started. That individual had a gun, which we found today was stolen in a burglary in the City of Los Angeles in 1976, about 400 dollars in his pocket and a vending machine key that could work probably in any vending machine. So you see that type of key and it's strange those circumstances, but it points out the vicious type individual that is preying upon defenseless citizens in the City and County of San Francisco, which I submit, we are not going to tolerate."

Commissioner Siggins: "May I ask a question before we get into some of the other speakers regarding the cost that Mr. Riordan refers to? He used the figure \$90,000, we want police officers out in the street anyway, there are backup people for the decoy, could you explain what he means by those expenses?"

Chief Gain: "Mr. President, excuse me, I will have Lieutenant Beene explain."

Lieutenant Beene: "The figures that were brought out before was on the basis of a paper that I had when there were 55 officers and figuring that was 96 thousand dollars approximately a month for the entire Street Crimes Unit. We have many varied tactics depending upon the situation. The decoy part of the Street Crimes Unit is less than 1/3, so if we are going to try to figure on decoy operations then we must compute it to 1/3 of the Street Crimes Unit or thereabouts. Something like about \$300,000, the officers would be getting paid anyway, however, that is what the cost is of their salary to do the decoy work."

Chief Gain: "Let me add to that and what we consider 3 or 4 hundred thousand dollars a year and when we consider the effectiveness of the decoy operation, that is, they are effecting arrests, they are effecting arrest in great numbers, of those who have previously committed violent crimes. It is very cost effective and is certainly one of the most operationally effective units in the Police Department. Because they are effecting arrest of individuals victimizing citizens."

The following persons were given time to present their views. Their names and position on the matter were as follows:

Against the Decoy Program

Mr. Roberto Hernandez, Executive Director,
Real Alternative Program

Marilyn Duenow, Court Alternative Project

Eve Pell, Journalist

Daro Inouye, San Francisco Public Defender

Arnold Townsend, Director, Western Addition
Project Area Committee

Judy Dick, California Attorneys for Criminal
Justice

Susan Rutberg, Staff Attorney, Bayview-Hunters-
point Community Defenders Office

Tanya Neiman, California State Public Defenders
Office

David Fishlow, American Civil Liberties Union

Supporting the Police Department's
Decoy Program

A. T. Johnson, Crime Prevention, Committee
on Aging.

Harold D. Madison, Shafter Avenue Community Club

Jack Halvorsen, Security Committee, St. Francis
Square

Richard M. Willis, Mount Zion Hospital

Fred Methner, Secretary, East and West of Castro
Street Improvement Club

Robert Bradford, Potrero Hill, Boosters and Merchants
Association

Edward E. Heavey, President, Veterans Political
Council of San Francisco

Seema Goddard

Otto C. Huth, Judah Street Merchants and Property
Owners Association

Howard Thompson, San Francisco Council of District
Merchants

A. R. Roderick, Secretary Civilian Arm Police
Community Relations

Thelma Kavanagh, President, North of Market, Senior
Organization

Jim Patten, North of Market Senior Service Center

Bill Fazio, Assistant District Attorney

Hamad Walls

Letters from persons supporting the program and asked
that they be read into the minutes were from:

Mr. C. Edward Head, President of the Nob Hill
Community Association

Mary E. Bradley

Mary Schembry, Commission on the Aging

Chief Gain: "Mr. President, may I enter a comment
for perhaps clarification of the Commission? Some
don't understand why the tactics of the decoy opera-
tion does have such a beneficial effect on safety
in the geographical area. Now any working police-
men knows why it has that effect. What we experi-
enced in areas like the Tenderloin, the hard hit area,
is that we have persons who are willing to prey
opportunistically on any defenseless, helpless vic-
tim they can find. So when it comes to an elderly,
defenseless woman walking down the street, if they
can get by with it, they will snatch the purse. If
that woman resist, they will take it through strong-
arm and that person could be hurt. Likewise, what

they will do, they will find a passive person who has passed out in a doorway or on the street and they will victimize that person. Hence, when our decoy officers take the place of those frightened victims they attack them. Now that is a fact of what does occur. Opportunistic individuals who will prey upon anyone who looks defenseless, male or female, and usually they are elderly or they are passed out. Now what, in fact, occurred in the target area of the Tenderloin, is what this operation started there, a passive operation, a higher quantity of crime, the persons who victimized the decoy officers began to get arrested. Now some numbers had no previous arrest, but because perhaps they had never been caught before. Because they are usually able bodied persons preying upon a defenseless elderly citizen. Now what happens, then, is you create an atmosphere within a particular target area where these hoodlums would victimize people, come to know, 'hey watch out, they may be a decoy cop,' and let me tell you that is exactly what occurred in the target area of the Tenderloin. So that the numbers of arrest, in fact, decreased over time because our decoy officers who stand around at times would hear individuals say should we take that person on and the other one would say, 'hey, no that may be a decoy cop.' So you see you've created an atmosphere, there is a need for it.

Now as far as the effectiveness of the decoy program we have a year long study which we feel....a valid period of time compared to the previous year. The only variable that we could identify because every other thing that we knew about and could think about remained constant. The only variable in the target area was the decoy unit, a significant variable because we did have an overall decrease 22.7% in serious crime, 24% in strongarm robbery, 36% decrease in armed robbery and 34% decrease in murder, and what is demonstrated, I believe, by these decreases is that the atmosphere that was created in the target area, one by arrest and one by people knowing, 'you commit a crime there on a person who seemingly looks defenseless and that person may be a decoy officer,' that's what occurs. I would challenge anyone in a friendly way to read these stats and make the comparison. We know of no other variables. So the decoy passive operation is most defensible, most defensible. Again, it's merely a matter of those who commit these crimes just not having to commit the crime, that's all. Then a uniform cop walking a nice peaceful area can say 'hi, how are you today?' If he commits a crime he deserves to go to jail and that's where we are going to put them. Now as to the officers and their morale. It has been stated that it would be demeaning to a police officer to lie prone for numbers of hours perhaps. Let me tell you, the officers of the decoy program have among the highest morale that you can find in the San Francisco Police Department. Why? Because they know through the efforts they put out that they are arresting vicious persons who are victimizing our citizens, that's why.

So in a nutshell I would state, Mr. President, Members of the Commission, it has been a very effective operation and I am extremely proud of these police officers. We have discussed them many times, we have presented medals to some and I would recommend sincerely to the Commission that we resolve this matter tonight so it is not we who called the public meeting, but I think those very few who wanted it perhaps but don't know what they are talking about and don't realize what it means to provide safety to citizens. And I would recommend to the Commission that it adopt a resolution commending the officers in the decoy program and the Street Crime Unit and assure those police officers the continuance of that unit. But I would submit to you, if I may Mr. President, Members of the Commission, that they do get demoralized when they hear these unwarranted, unsupported, unsubstantiated statements about a program that, in fact, brings about safety to citizens, and I am sure that if these officers do not feel that they have the support of their Police Commission, which has been continuously voiced in the past, then we are going to have a demoralizing effect upon the police department. But the main reason for the recommendation is that you, we read the study, it has been effective, it is effective, it is providing safety. We will continue the passive operation only for that period of time to that which will be actually needed to stop hoodlums preying upon defenseless persons. Because as we.....if it wasn't demonstrated here, it's approximately 5,000 arrest in toto by the Street Crimes Unit, this is merely one facet, thank you."

Commissioner Siggins: "May I say this then on behalf of the Commission, it is my recollection that at the time it was decided to send Lieutenant Charles Beene back to New York to study the decoy program and from that time on when he came back and reported to us, this Commission was not interested in any public relations gimmick as far as the Street Crimes Unit was concerned, we were very satisfied that the people who went into the Street Crimes Unit went in there as volunteers. They didn't go in to make the Commission look good or the Chief look good, when they went out into the street and started the decoy program, and I am satisfied that that has been the way since they have been out on the street. So I hardily reject the suggestion of two State Public Defenders that this is a publicity gimmick from the Department because I say from my heart that we would not allow such a thing and we are just definitely convinced that that is not true. Any further comments after this?"

Commissioner Murphy: "I would like to second that remark and also I might say that I was a very close personal friend of Dougie Gibbs' mother and father and Mrs. Gibbs, his mother, said to me afterwards, 'Doug Gibbs was very proud of this particular task force and he felt it was marvelous and I am for it too, even though it took my own son.'"

Commissioner Ciani: "I would like to say that I tried very hard while sitting here to give fair weight to the comments of those who oppose this program and I simply don't think they have made their case. I know that we have tried hard to deal with the crime problem in this city and when we finally came up with a program that we really believe does work, regardless of what some of the critics say, I don't think that program should be attacked. It is really ironic. And I would also like to go so far as to commend the decoy unit wholeheartedly for the work that they are doing. I strongly believe in it, notwithstanding my efforts to be fair and listen to its opponents. I don't think that they are really opposed to this program. Perhaps they just want to win their cases. I tried to figure out what they are really asking for and I guess it's a modification of the deployment of the officers to one or another kind of decoy situation. I don't think that the Commission should categorically state that one or another particular type of tactic shouldn't be used. I think that we have to allow the unit the flexibility to deal with the problems that they are dealing with. I have observed them on the street, and I've asked a lot of questions. We have previously discussed the constitutional nature of the work that they are doing, and I am convinced that what they are doing is proper and lawful. The people who are in charge of the operation are very much aware of the limits of the law, propriety and morality and they are staying within those limits in conducting this operation. So I think as long as they continue to do that I would not suggest that we reach in and try to change any of the operations of the unit."

Commissioner Sanchez: "The comments that I have is that I have been trying to listen to people as they speak and address a number of concerns that affect all San Franciscans, and I have mixed feelings about a number of problems here in the city. And speaking as someone who is born and raised in the South of Market here and still live in the Mission, and I have many relatives and aunts and children and I am also stationed at the County Hospital full time as part of UC. You see we've seen a lot of changes over the years, where the old Cannon Kip now is the South of Market Clinic, they now have a Clinic upon Potrero Hill and they will have family practice residency programs and one of the major concerns consistently is, how can we survive in the South of Market, Potrero Hill or the Mission where we are. Hopefully the Commission will take some of the concerns that were voiced today by some of the young people, particularly one of the young men, named Bob Hernandez, who works very effectively with young people in the Mission District. Even though he was not saying that this was not an effective organization or an effective mechanism, he was saying that, in essence, there are a number of options that are operational in the Mission that

we would like to see functionalized in a more constructive way. It is interesting to cite, for the record, that the Police Department and this Commission over the years has disapproved a number of permits in the Mission Community such as pawn shops and ectera. These permits have been overridden by other City Commissions, so again as sort of a scapegoat theory. I had an opportunity about a month ago to attend a SAFE meeting out in the avenues where I used to go as a kid, where used to be sand dunes or whatever, and there must have been about 300 senior citizens there who lived in the avenues and their major concern was, how to walk safely to the store out in the avenues, and they had the Lieutenant and his staff out there and wanted him to speak to various organizations because this was a concern. No concerns just in the Mission or South of Market or Potrero Hill, but from Taraval, the Sunset, and that was a shock to me because, to be out there listening to the concerns of senior citizens talking about survival and about safety and going to the store and about whatever. One just feels again that something has to be done and you need a collateral remark, and you need Project SAFE, you need to increase prevention at the same time, we need other mechanisms such as the decoy unit. At the same time, perhaps, a number of battered children I know are being brought to various hospitals, be it Mount Zion or Mission Emergency or whatever, has intensified and some kind of way we can all ways collectively, actively together and it is not a question of whether we are on one side or the other, the fact of the matter is we have to work collectively together, you know, as an institution that is willing to provide safety to all our citizens regardless of whether they are in the Mission, Hunterspoint, Pacific Heights, or out in the Sunset. I, personally, would like to thank Chief Gain and the Staff for presenting a very objective argument as he has felt, again, that this is one effective way to combat the variety of crimes that have been hard to combat. Again, I think it is a question of expansion and giving the community needs and I personally, would like to see some of these projects expanded out in areas like the Sunset. Ultimately the final story is that too many crimes are never reported and this means that all of us have to get involved actively. And it is very frustrating to see patients brought in and people afraid to testify as to what happened because of, the fact, in essence, you know, they don't want to be witnesses because they are afraid of what might happen, and somehow we all have to work (inaudible) and hopefully, this is one mechanism that is resolved in favor of the unit."

Commissioner Toler: "You know I share the concerns of Mr. Riordan and these people who spoke this evening, however, as a member of this Commission I have

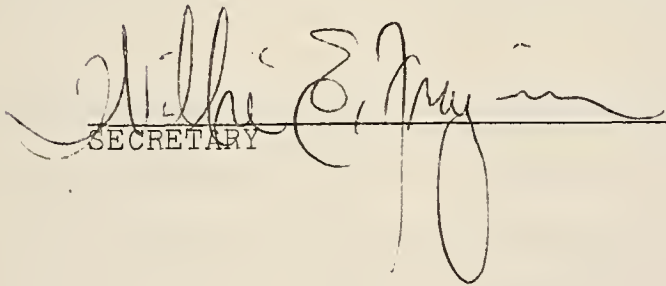
a greater concern. I would like to see that every citizen in the City and County of San Francisco is happy and safe as possible and I do applaud the efforts of the decoy unit and I move that we continue to build that unit (inaudible.)"

Commissioner Siggins: "Any further discussion? Question? All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Chief Gain: "Will the members of the Street Crimes Unit stand up please? (Street Crimes Unit members stood at this point) We applaud you this evening."

The Commission adjourned its meeting at 2050 hours.



SECRETARY

24 MAY 1978

REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 24, 1978 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Siggins

ABSENT: Commissioner Toler

JUL 31 1978

Commissioner Siggins presiding.

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PRESENTATION OF AWARDS AND CERTIFICATES TO MEDAL
OF VALOR RECIPIENTS

Commissioner Siggins: "At the Commission meeting of three (3) weeks ago, Commissioner Toler presented to us the nominations for the awards which were passed by the Commission. The invitations were extended to the honorees requesting that they be here tonight. However, since Commissioner Toler is not here tonight, I would ask the other Commissioners to join me in making the presentations."

Members were presented awards as follows:

Police Officer Thomas A. Arnold.....Gold Medal
Police Officer Steven R. Silvers.....Gold Medal
Police Officer Kenneth E. Hartman.....Silver Medal
Police Officer Stanley D. Harris.....Silver Medal
Police Officer George B. Cima.....Bronze Medal
Police Officer Joseph C. Kirley.....Bronze Medal
Police Officer John R. Chestnut.....Bronze Medal &
Bronze Star
Sergeant George F. Kowalski.....Bronze Star
Police Officer Brian M. D'Arcy.....Bronze Medal
Police Officer Stephen R. Gough.....Bronze Star
Police Officer Henry C. Hunter.....Bronze Medal

Police Officer Theodore A. Schlink.....Bronze Medal
Police Officer Richard G. Bodisco.....Bronze Medal
Police Officer James B. Taylor.....Bronze Star

POLICE COMMISSION RESOLUTION AUTHORIZING THE
APPOINTMENT OF A COMMISSION VICE-PRESIDENT FOR
THE BOARD OF POLICE COMMISSIONERS -CONTINUED FOR
ONE (1) WEEK.

AYES: Commissioners Ciani, Murphy, Sanchez,
Siggins

NOT VOTING: Commissioner Toler

RECOMMENDATIONS OF THE TRAFFIC BUREAU

Protest against green zone at 1300
Harrison Street.

Officer Quaglia: "Commissioners, in regard to 1300
Harrison Street, I have just talked to the gentle-
men from the Union. It seemed there was a misunder-
standing regarding their protest. I was off last
week and was not able to go down and take down that
notice. They thought it was going to be extended
another 22 feet."

Commissioner Siggins: "Then they are satisfied
with it as it is now?"

Offcier Quaglia: "Yes sir."

Item #6 on the Traffic Calendar - 1234 Grant
Avenue, 44' white zone installation, has been con-
tinued for two (2) weeks.

RESOLVED, that the recommendations of the
Traffic Bureau on the installation of zoning for the
regulation of traffic on the public streets, be, and
the same are hereby approved:

442 SHOTWELL STREET - RICHARD N. MELBOURN FLOWERS
AND PLANTS

- a) At 442 Shotwell Street, install a 22'
yellow zone, to extend from 102' to 124'
north of south property line.

#2 WAVERLY PLACE - TELEVISION MINISTRY SALVATION
ARMY

- a) At #2 Waverly Place, install a 22' white zone, extending from north property line 22' south.
- b) Revoke existing 22' yellow zone.

1947 OCEAN AVENUE - DIFF'S FURNITURE

- a) At 1947 Ocean Avenue, install a 22' yellow zone, extending from east property line 22' west of same.
- b) Meter #1933 to be removed.

1839 BRODERICK STREET - DREW COLLEGE PREPARATORY
SCHOOL

- a) At 1839 Broderick Street, install a 22' white zone, extending from 22' to 44' north of south property line.

2518 JACKSON STREET - DREW COLLEGE PREPARATORY
SCHOOL

- a) At 2518 Jackson Street, install a 22' white zone, extending from west property line 22' east of same.

207 SKYLINE - RECREATION CENTER FOR THE HANDICAPPED
INC.

- a) At 207 Skyline, install a 33' blue zone, to extend from main gate 33' east of same.

2600 SACRAMENTO STREET - GILDA OF SAN FRANCISCO

- a) At 2600 Sacramento Street, install a 22' green zone, to extend from west property line 22' east of same.

#1 - 11th STREET - BANK OF AMERICA

- a) At #1 - 11th Street, install a 44' white zone, to extend from north property line 44' south of same.

#15 - 11th STREET - BANK OF AMERICA

- a) At #15 - 11th Street, install a 66' yellow zone, extending from 5' north of north garage entrance to 71' north.
- b) Install 5' red zone each side of garage entrance for clearance.

391 CASTRO STREET - PACIFIC STEREO

- a) At 391 Castro Street, install a 44' green zone, extending from south building line 44' north of same.

973 VALENCIA STREET - RETIRED LOCAL 85 TEAMSTERS

- a) At 973 Valencia Street, revoke existing 24' yellow zone, extending from north property line to 24' south of same.
- b) Install 24' white zone to replace yellow zone.

AYES: Commissioners Ciani, Murphy, Sanchez,
Siggins

NOT VOTING: Commissioner Toler

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 68 feet of white and yellow zones at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez,
Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 245-78

PETER BENNETT

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of Peter Bennett against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 246-78

PENNY KARS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Penny Kars against the City and County of San Francisco in the sum of \$20.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 6, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 247-78

ELLIOTT KENDALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elliott Kendall against the City and County of San Francisco in the sum of \$25.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 28, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 248-78

WILLIAM A. KING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William A. King against the City and County of San Francisco in the sum of \$22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1977

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 249-78

MARCIA MICHAELS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marcia Michaels against the City and County of San Francisco in the sum of \$20.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 15, 1978

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 250-78

BEVERLY TOM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Beverly Tom against the City and County of San Francisco in the sum of \$23.50 as the result of a faulty tow, be, and the same is hereby

approved.

Date of Incident: March 2, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 251-78

MR. & MRS. DOLOR H. SAQUING, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mr. & Mrs. Dolor H. Saquing, Jr., against the City and County of San Francisco in the sum of \$116.80 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 14, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 252-78

GRADIE COATES AND CURTIS COATES
AND THEIR ATTORNEYS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Gradie Coates & Curtis Coates in the sum of \$750.00 in Superior Court Action No. 677-172 entitled, "Gradie Coates & Curtis Coates v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 2, 1973

✓ AYES: Commissioners Ciani, Murphy, Sanchez,
Siggins

NOT VOTING: Commissioner Toler

RESOLUTION NO. 244-78

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF JEREMIAH P. TAYLOR, FIELD OPERATIONS, CAPTAIN GEORGE P. JEFFREY, FIELD OPERATIONS, MISSION STATION, CAPTAIN ROBERT G. MCFARLAND, FIELD OPERATIONS, SOUTH-EAST STATION, AND CAPTAIN RAYMOND D. WHITE, FIELD OPERATIONS, AT AN EXECUTIVE DEVELOPMENT COURSE AT TIBURON, CALIFORNIA, FROM JUNE 4, 1978 TO JUNE 16, 1978, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief Jeremiah P. Taylor, Captain George P. Jeffrey, Captain Robert G. McFarland, and Captain Raymond D. White, be detailed to attend an Executive Development Course at Tiburon, California, from June 4, 1978 to June 16, 1978, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Deputy Chief Taylor, Captain George P. Jeffrey, Captain Robert G. McFarland, and Captain Raymond D. White, in a sum not to exceed \$446.80 each will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

WEEKLY SICK REPORT

	<u>PREVIOUS WEEK</u>	
Daily average for the week sick	57	61
Daily average for the week disabled	<u>100</u>	<u>97</u>
TOTALS	157	158
This is a decrease of one (1) member off duty daily from the previous week.		
Daily percentage for the week sick		3.15
Daily percentage for the week disabled		<u>6.05</u>
TOTAL		9.20

Disabled at the start of the week	97
Started during the week	19
Returned during the week	11
Disabled at the end of the week	105
Net Gain or Loss	+8

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
APRIL 26, 1977 AT 2400 HOURS:

Daily average for the week sick	95
Daily average for the week disabled	<u>92</u>
TOTAL	187
Daily percentage for the week sick	4.56
Daily percentage for the week disabled	<u>5.58</u>
TOTAL	10.14

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
MARCH 28, 1978 AT 2400 HOURS:

Daily average for the week sick	48
Daily average for the week disabled	<u>96</u>
TOTAL	144
Daily percentage for the week sick	2.47
Daily percentage for the week disabled	<u>5.78</u>
TOTAL	8.25

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez,
Siggins

NOT VOTING: Commissioner Toler

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report tonight Commissioners."

Commissioner Murphy: "I am concerned about some articles that I read in the paper lately. That is Dwight Chapin's column and letters to the Editor, and I think Herb Caen had something about it too,

the way people are violating traffic lights, running red lights, doing all sorts of bad driving and dangerous driving and so on. Have you looked into that with Traffic?"

Chief Gain: "Well we know it's a fact as far as adherence to traffic laws in San Francisco, there is a very serious problem of non-adherence, and what we have been doing increasingly, and Chief Jeremiah Taylor of Field Operations has continued to emphasize it, is to get our Patrol Officers to write more traffic citations. So we do have a definite program under way. It is a fact that, generally, in the Patrol Bureau, not enough citations are being written. Under the state law it is unlawful to set quotas, therefore, we are setting goals for the fulfillment of the traffic responsibility, so we anticipate that we will be realizing increased numbers of citations for hazardous moving violations. In regard to the enforcement of our Traffic Bureau in looking into the numbers of accidents at signalized intersections, the traffic citations being written, we find do correspond realistically to those accidents. So the whole theory of writing traffic citations is to write traffic citations based upon types of accidents at the locations where they are occurring types of violations. So we are writing adequate numbers at signalized intersections to the extent that our solo-motorcycle officers can accomplish that. We do need increased citation writing by Patrol Officers and what we have to do, of course, is to motivate them to write the citations and that is what I mean by goal setting because a police officer on patrol has a whole variety of task to perform and obviously, when it comes to the serious crime that is given priority and the traffic citation writing facet of this job is one that he should undertake when time permits. So we have a job to do of motivating to educating officers that is what I meant by goals."

Commissioner Murphy: "Do you think this is a hangover from the protest on the so-called quota setting that was attempted sometime back?"

Chief Gain: "Well, I think it is a variety of reasons. The patrol officers should be given the time to do it which can happen in some beat areas. They should be writing in patrol about 40% of all of the moving traffic violations and they are writing nowhere near that percentage now. That's the general rule of thumb in police departments. So we have to increase the citation writing which we will have to do through motivation to bring about a realization on the part of patrol officers as for the need and that is under way and has been under way by patrol captains and so on, so we will get, I'm sure, increased citation writing."

Commissioner Murphy: "Can pedestrians be cited by

meter persons for crossing against lights and all of that sort of thing, or does it have to be done by a sworn personnel?"

Chief Gain: "Yes."

Commissioner Murphy: "How are they performing on that would you say?"

Chief Gain: "Very well, increasing numbers of citations have been written for parking violations and particular emphasis has been given to the bus zone parking because of the problem that exist and numbers of complaints that we have received. So they are being issued in substantial numbers."

Commissioner Murphy: "It is very bad, the parking in bus zones and double parking, of course, that makes traffic impossible."

Chief Gain: "Of course we recognize the basic problem in San Francisco is a real inadequacy of parking spaces."

Commissioner Murphy: "We don't have any alleys either for trucks."

Chief Gain: "No, we don't, we find we have more cars than we have parking spaces for so, as a natural consequence, drivers will park in bus zones and other places and we are citing them. But to get adherence which you can do in some cities where you have adequate parking and don't have such a tourist factor can be done. Here, it is very difficult but there are increasing numbers being written without question."

Commissioner Ciani: "I had some questions on the same subject. The statistics that appeared in one of those articles, were they accurate to your knowledge?"

Chief Gain: "The number of deaths?"

Commissioner Ciani: "The number of accidents."

Chief Gain: "The number of accidents, yes. Our injury accident rate is up this year, not dramatically, but it is up, also the number of deaths year to date, compared to last year are up. So that was an accurate item. There were a couple of traffic accidents with two deaths in each one so that explains somewhat the increase. But the injury accidents are up. So is our citation writing for the types of violations that resulted in accidents."

Commissioner Ciani: "Well does Planning and Research keep demographic based statistics?"

Chief Gain: "The traffic Bureau does. They have an Analyst function in the Traffic Division and they are kept there. One reason we feel that we have had an increased number of traffic accidents this year as compared to last is because of the rain we had at the beginning of this year as compared to last. As we know at the beginning of this year there was substantial amounts of rain and that is a factor that always result in more accidents. At this stage, with only a few months to compare with last year, we don't know what the record will be by the end of the year. You know it could be greater or it could be a lesser number of accidents and deaths by the time the year is over."

Commissioner Ciani: "I think there is no doubt any observer would be able to verify what has appeared in these articles. There seems to be a flagrant disregard of traffic lights and stop signs in this city and as it is apparently not within the police department to enforce the laws may expect the accident rate to rise. I just don't know what the department can do to meet the problem."

Chief Gain: "Well, I don't think it is because of necessary lack of ability. We have the capability to issue more tickets emphatically, than we are issuing now and that's why our efforts are being made to motivate officers to get more citations written, we can write more."

Commissioner Ciani: "Is it possible to do any kind of driver safety education on the media to help combat the problem? Could you look into that?"

Chief Gain: "Certainly, yes."

Commissioner Ciani: "This also relates to a subject that has come up in regard to Muni incident that is being investigated. When I was contacted about it, I became curious about the general relationship between the Muni and the police department in that they are two city agencies both occupying the same streets for a considerable part of their time. In connection with that particular incident I think the Commission might be interested to know what the general operating practices and rules are between the Muni and the police department. I know members of the Public Utilities Commission are also concerned about this relationship."

Chief Gain: "In checking with staff who are knowledgeable about the historical relationship between

muni drivers and police officers and also of recent date, I am told there is not an unfavorable relationship at all. There is no on-going animosity between muni drivers and police, they say it has been generally a favorable relationship. So we don't discern a problem there. Muni-drivers, of course, are treated in the same manner as any other driver in so far as adherence to traffic laws and being given citations."

Commissioner Ciani: "Well, are separate statistics maintained on citations of muni drivers?"

Chief Gain: "Well, we are trying to get that now. We have problems with computer dropout of information but we are trying to get that information now where we can record it in the future and I have made the request of the staff member to get the information, and thus far, I haven't got a report."

Commissioner Ciani: "I know a lot of people have mentioned to me that Muni drivers seem to jump lights almost as a matter of course. And I myself have witnessed an accident in which a muni driver did jump a light as far as I could tell. I am curious about the enforcement of the traffic laws against muni drivers."

Chief Gain: "Well, we are doing some research now and one is as to the number of accidents involving muni busses and, if we can, to get data on X number of citations issued. I would state this, there is no question in my mind, based upon my own observations, that there is a need for better adherence by muni drivers to traffic laws to the extent that that problem continues then there will emphatically be more citations issued. They have no license whatever because they are bus drivers for one thing, and city employees for another to violate traffic laws and it is not going to be tolerated."

Commissioner Ciani: "Well some retraining on the part of the PUC might be in order and perhaps we could suggest that the drivers be counseled about adherence to the traffic laws."

Chief Gain: "Well what our plan is, is to talk with the muni officials and also with the muni union persons and also with the muni drivers themselves to the extent that it is possible and appropriate to talk about the problem of necessity to adhere to traffic laws as a matter of fair notice and hopefully most drivers will adhere. But again, to the extent that they do not, they will be given traffic citations as with anyone else."

Commissioner Ciani: "Thank you."

Commissioner Siggins: "Chief, I have the feeling that the Patrol Division could make a present to the citizens and visitors to San Francisco by adding that these complaints about traffic enforcement, or the lack of it, if all they had to do was quit nitpicking about a quota order that might be made and just become motivated to stop it. And that's it. They have a statute that says that they shouldn't have quotas, and there shouldn't be quotas. That's true, but then they hide behind that and think that a traffic department doesn't have to issue a citation. And I have seen it, people flagrantly go through a signal right in front of the police officer in a patrol car, and more flagrantly, the patrol officer doesn't do anything about it."

Chief Gain: "That does occur. There has been, as I related, there has been discussions and actions by the Deputy Chief and I am sure by Captains and there will be more. There will be more. We do know that in some cases some officers are not taking the action they should. Let me comment further if I could, and this is not blindly supporting police officers, but I have got to say when it comes to productivity, perhaps, generally the police department, more specifically perhaps in patrol, but a real problem we have been confronted with is the on-going litigation. Now I think we all recognize that. That's not an excuse for inaction, but where we have a devastating situation where for a number of years and particularly of late, there has been more aggravations because of that on-going litigation we have to do more as far as morale generally, morale specifically, in regard to that suit, to motivate officers. And that's why I use the word motivation. We will not excuse the non-fulfillment of duty, but we do have that overriding problem, hopefully, either the Consent Decree matter will be settled or the matter will go to court and perhaps we can bridge that particular problem, but that does overshadow a lot of our problems now. I have been given feedback that when it comes, for example, to officers volunteering for our field training program, that whereas before we had substantial numbers of volunteers, it has been getting very hard now. The last school we had did not result in the numbers that we had wished. And the reports I received from staff involved in that is some of the officers said, 'for what?' Now again, this is not excuse making but we have got to recognize that when we have such a devastating situation going on which so gravely impinges on productivity feelings of officers, attitudes, and morale, that it is a block. Now that isn't going to stand in our way. But I feel, basically, we do have the job to do which we will try to fulfill, to bring about an understanding with police officers as to the variety of task they have to perform and, particularly now, the importance of enforcing traffic laws and I assure you that will be done. We are not going to countenance officers not doing their job regardless of what

feelings may be, but it does take more motivation under the present circumstances."

Commissioner Ciani: "One final question on that subject, how are the solo/motorcycle officers deployed regarding traffic citations, are they assigned to particular areas where there is a lot of abuse?"

Chief Gain: "Yes, the sole basis really and only realistic basis for the assignment of solo/motorcycle officers is based upon previous accident experience. And that's plotted, known facts, so that wherever the accidents are occurring, reports are taken, it's determined what type of violation cause accidents and then, based upon where accidents occur in the greatest numbers, that's where the solos are assigned. That's what we call Selective Enforcement. So that we find if we do issue insufficient numbers at previous accident scenes it will have the result if you issue them for the violations at the times previous accidents occurred, it will bring down the accident experience at those locations. And that's the basis that we are doing it on now and it is working. That same type information has been given to district stations and that's a part of the education and motivation of Police Officers to point out the grave accident factor, injury, death and then get them to write citations as such....."

Commissioner Ciani: "That's my next question, do the stations in their daily reading to the watch for example, indicate where there might be specific traffic problems that should be looked at by officers?"

Chief Gain: "Let me, if I may, defer to Captain Con Murphy of Northern Station that I asked to come for a different reason. Captain can you respond to that, to what extent you talk about traffic accidents experience whatever?"

Captain Murphy: "Yes, we get this information disseminated from the Traffic Bureau and it's routinely read to the watch. Each watch gets two readings, so in other words, if an officer is off today he would be picked up on the following day and that information is transmitted and in keeping with the Traffic Bureau's policy that's how we tend to direct our traffic enforcement also. I would like to add one thing to what's been said, what the Chief alluded to, and that's that in the past the Patrol Bureau has not been traffic orientated, however, this had changed and this is part of the Field Training Officer program and the officers that are in the station now they are traffic orientated and this will be passed on when they go out into the other stations, and it will continue and in years to come and time to come, it will be throughout the whole patrol force, there will be a traffic orientation there. There is a great deal

of traffic activity at the two training stations now."

Commissioner Ciani: "Well, that's encouraging."

Commissioner Murphy: "I would like to ask one other question of Captain Murphy too: What about pedestrians? Coming over here this evening, I almost hit a young man who was crossing on a red light. I had the green light and I managed to miss him obviously, but this happens all the time, people walking over the green lights. Do you ever...do you sight very many pedestrians or do you find it's just impossible or what?"

Captain Murphy: "No, we do cite a fair number, I can't give you an exact number Commissioner, but I can tell you that for every pedestrian we cite, probably every other one registers a complaint with the police department and also with Internal Affairs. This occurs more with the foot officers like if they are walking, well say Polk Street and somebody crosses the light or jaywalks against it, there is a good chance that they are going to get a citation and in this city over the years, it is something, I don't know, it has been ignored or bypassed or what, the people seem to resent it. But nevertheless, we do issue citations to pedestrians."

Chief Gain: "The day will come when we will have sufficient personnel on the streets that we can undertake an on-going and continuous enforcement of things like jaywalking by pedestrians and failure of pedestrians to obey signals. Right now, with all of the other priorities that we have, we could not begin to undertake an on-going program, it would be a bluff given the numbers of personnel we have. But if any city ever needed it, a severe jaywalking citation program, this city does need it but we don't have the personnel now to attempt to do it citywide. And what really has to be done is first a full-blown educational program so that all pedestrians would know, as with drivers, that they are going to be cited for jaywalking and then do it because, otherwise, it's a bluff and makes it more of a laughing citation than it is right now."

Commissioner Ciani: "Please report back on this media idea. I think it would be possible to get editorials on some of the local stations and perhaps there are already pre-prepared television spots or something that could be used."

Chief Gain: "Yes, I should think that as a part of their public service announcement responsibility that the news media would do it. TV would do it and probably the newspaper. I've been very grateful for those articles that have been written, who is that, Dwight Chapin, is that who?"

Commissioner Murphy: "Yes, I have got them right here."

Chief Gain: "I think that's fine, now Herb Caen is getting into the act, he is back from China and maybe we will get a few more so the more of that that is done, the better and then we will hopefully get some increase in citation writing and we will get more safety as a result of it. Then when we start getting complaints from drivers because they are getting too many tickets it will be a good barometer of success."

Commissioner Murphy: "I would like to ask you about this letter we received from the Transport Workers Union of America. I think there are some very serious complaints here against a muni driver and against the patrolman who picked him up or took him off the bus and so on, has this been investigated?"

Chief Gain: "It is under investigation."

Commissioner Murphy: "Well I know, they say that it has been, they don't approve of it at all, I mean they don't believe it."

Chief Gain: "Who doesn't believe it?"

Commissioner Murphy: "The Transportation Workers, they want a hearing."

Chief Gain: "In the Correspondence part there is a letter from Mr. Larry Martin, and we had a previous letter from Mr. Curtis Green and we initiated an investigation a couple of weeks back, it's been underway, I have checked on the status of the investigation because of the allegations made by the driver, and approximately six witnesses, thus far, have been talked with and there is about three more to talk with, and that should be completed this week or next. I do not assume, based upon the bare fact of the allegation, that the officer was wrong and, as a matter of fact, I assume that a police officer in the absence of evidence to convince me otherwise, when we get such an allegation, in fact, was conducting himself properly. I think that has to be our assumption. I am not saying you are saying otherwise. But I think too much of what will occur, and let's take this case of the bus driver, we've had a letter thus far from a Union Representative, I think we have had one from the manager of Muni, and perhaps others, and the assumption is the officer was wrong going in, and I reject that because we have to warrant an officer doing his duty, and this one issued a traffic citation, did his duty, did it properly until we have absolute evidence to the contrary. That's always my assumption, so we will see what the investigation's

findings and conclusions are."

Commissioner Murphy: "I guess I misunderstood this. I thought the investigation had been completed and the Union is not satisfied with the findings and wants a hearing before the Police Commission."

Chief Gain: "They want a hearing before the Police Commission as I take it based upon the allegations of the bus driver. They are asking for, I guess that is in Mr. Martin's letter, they want a hearing, but what he is doing is transmitting the allegation of the bus driver. The investigation hasn't taken place yet at all, it hasn't been concluded yet at all. There is about three more witnesses out of about nine to talk with. If a hearing is later appropriate that will be done, or a Chief's Hearing, or which could be most appropriate a commendation for the police officer for having done a job in a most commendable manner, who knows what's going to occur?"

Commissioner Sanchez: "Can I ask a question about this if I might, it is one on procedure that maybe we might discuss at some later point but the letter from, as far as an example, the Transport Workers Union which I received, I have just seen this evening. It was mailed May 9th, received May 10th, this is what, May 24th. I usually try to correspond perhaps have a turn around time of no later than 5 days at most as far as my own internal organization goes. And I notice there is another letter that was sent May 10th, that was received I guess May... here we are again, you know, almost a week and a half later, I do realize that there is a problem in reference to deliveries, at the same time I mean I think also we have a responsibility as a Commission, or you know, to keep abreast and respond and say as an example, you know, Chief Gain is responding to this or whatever, or you know, rather than wait for two and a half, three weeks later and then have perhaps a number of people call up or whatever, saying well, you know, you may not have an interest in this or did you get our letter or what happened or you know, what is.....and of course, we have no answer because we haven't got the correspondence. I just wish, perhaps we might be able to work out, you know, a more functional way of perhaps disseminating the information which, you know, some of I think is of importance to us as a Commission."

Chief Gain: "Some of these letters were addressed to me, they have been responded to."

Commissioner Murphy: "They have been?"

Chief Gain: "The ones addressed to the Chief of Police. Some are addressed to the Commission...."

Commissioner Sanchez: "Individually, rather than as an example, cc all Commissioners, ectera."

Commissioner Siggins: "Yeah, I think if you look at this for instance, I think the ones that you are talking about Commissioner Sanchez, were dated May 9th but were received in the Commission Office May 18th."

Commissioner Sanchez: "I'm sorry it is May 18th, okay, the other was received May 15th from the Special Police Officers' Association."

Chief Gain: "We don't disagree at all Dr. Sanchez, I don't know if, Sergeant, did you acknowledge the letters as yet or what?"

Sergeant Frazier: "Yes sir."

Chief Gain: "You have acknowledged them?"

Sergeant Frazier: "Yes sir, the ones that call for an acknowledgement from the Commission, not the ones directed to the Chief of Police."

Chief Gain: "Right."

Commissioner Murphy: "You know it would be very helpful, I have seen this happen in other offices, it would be very simple to just write at the top answered by Commission or answered by Chief of Police."

Chief Gain: "We can do that. Any letter that I received that has copies for Police Commission or anyone else, when I respond I give those persons copies so you have them. There are some copies, there has been all along, that I have sent to the Commissioners when I respond to letters. So anytime anyone is designated, then I give them a copy too."

Commissioner Murphy: "Well, that's fine, but in the ones that we get here is we haven't had a copy, I'd like to know that you've responded to it."

Chief Gain: "Sure, we can put it right on the letter that it was acknowledged and so on."

Commissioner Sanchez: "The footnote to this too, I think, is the fact, you know, I guess I am a little, perhaps a little frustrated about the fact that, you

know, some of the materials we get are only coming once a week, which may, in fact, be good, bad or indifferent...or...at the same time...orthere are minutes which, perhaps, we have to review and approve and/or personnel files which will set for days and/or else I forgot to bring some last time, it was not picked up, I never bothered to call whatever, and yet, here it has been going on back and forth. Perhaps we might have another clinical trial, you know, whereby we could try to twice a week and see if this expedites it and at the same time....."

Chief Gain: "Well, right now it's on Wednesday and Friday."

Commissioner Sanchez: "Well, it's back to Wednesday and Friday."

Chief Gain: "Well, it's Wednesday and Friday now, because you get material today on Wednesday and delivery is made on Friday."

Commissioner Ciani: "Yes, well, we've talked about this also because I would prefer to have a delivery on Tuesdays, so that any things that might be coming up at the last minute would be had in hand, in time to look at before the meeting and also would be delivered, in my case to my office, which is where I read and file things. If I'm handed something at a meeting, it doesn't get processed."

Chief Gain: "We'll do it Tuesday, Wednesday and Fridays."

Commissioner Murphy: "Oh no, Tuesday....Wednesday is too late anyway, by that time we might as well read it here."

Chief Gain: "Wednesday, it would be just what has been collected during.....from the delivery on Tuesday."

Commissioner Sanchez: "Well make it Tuesday and Friday, try that."

Chief Gain: "Tuesday and Friday. Is that alright?"

Commissioner Siggins: "Okay, alright, this all comes within the category of your report to the Commission. Next item please."

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfer of the right to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were not represented by counsel. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFERORS</u>	<u>TRANSFEREES</u>	<u>NO. OF PERMITS</u>
James C. Bowles (Estate of) #2 Tyler Street Novato, California	Mrs. Dorothy E. Bowles 1195 Chauvet Road Glen Ellen, California	1
Henry C. Hankel, Jr. 6091 Country Club Drive Rohnert Park, California	Salvatore I. San Filippo 6539 San Ignacio Avenue San Jose, California	1

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

TRANSFER OF TAXICAB PERMITS-CONTINUED TO MAY 31, 1978

The taxicab permit transfer from Man Kwong Leung, 1837-24th Avenue, San Francisco, Ca., to Leung Transportation Company, 1837-24th Avenue, San Francisco, Ca., and Warren K. Wong, 131 Ankemy Street, San Francisco, Ca., to Bayshore Cab, Inc., 131 Ankemy Street, San Francisco, Ca., have been continued to May 31, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

TRANSFER OF LIMOUSINE PERMIT - CONTINUED TO
MAY 31, 1978

The limousine permit transfer from James E. O'Connor, 72 Merced Avenue, San Francisco, Ca., to Elite Transportation Service, Inc., 323 So. Canal Avenue, South San Francisco, Ca., has been continued to May 31, 1978.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

Deputy Chief Mullen stated that this group of vehicle for hire owners and others have applied to the Commission to transfer their permits to a corporation which usually consist of the previous sole owner. He stated that the Department's permit application process did not lend itself to obtaining the kind of information the Commission needs to make a decision, so that the Commission directed Staff to devise a method of getting the kind of information needed to enable the Commission to make its decision. He stated that he met with the Permit Office Staff, the principals and their attorneys and discussed the kinds of things the Commission felt was needed and some things Staff felt was needed.

He stated that since this was somewhat of a unique situation, the parties were told to submit a letter to the Commission specifying, in detail, their responses to questions posed by the Commission and Staff as to how they planned to operate, what kind of fiduciary relationships were being worked out, who really owned these things, what their familiar relationships are, whether they are children or adults, whether they were going to be active or inactive partners in the operation so that the Commission could have a framework in which to really find out the things they need to know.

He said they all agreed to comply with that and he has now given the Commission a memorandum that he prepared on the basis of that meeting which was held at 1:00 p.m., this afternoon, which sets forth the instructions he gave them. He stated that he told them that he would present these facts to the Police Commission tonight and if the Commission had any further directions to Staff the parties would be contacted tomorrow morning and informed as to what further information the Commission may ask for."

Commissioner Ciani then stated that the memorandum was sufficiently detailed for the time being

and what the Commission should do is to see what kind of response is received from it and subsequently determine if it has to undergo further refinement.

Deputy Chief Mullen stated that if the Commission had any further directions he would impart them at tomorrow's meeting to the concerned parties.

Commissioner Murphy stated that she didn't think the Commission had anything further to add to the memorandum.

Commissioner Siggins agreed and then called for the next item.

TRANSFER OF JITNEY BUS PERMIT - APPROVED

The matter of the transfer of the right to operate a jitney bus by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a jitney bus to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFEE</u>	<u>NO. OF PERMITS</u>
John G. Cariaga 31 Whittier Street San Francisco, Ca.	Avelino Pena 580 McAllister Street San Francisco, Ca.	1

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

NOTIFICATION AND FILING OF 1st AMENDED COMPLAINT
AGAINST GROVER FORD, MUNI TRANSIT SECURITY OFFICER

Commissioner Siggins: "This is an amendment to

Specification number 2, we have copies here.
It has just been filed on May 22, Mr. Baranco?"

Gordon Baranco: "Good evening members of the Commission, my name is Gordon Baranco, I am the attorney for Mr. Ford, the Hearing on Mr. Ford's matter was scheduled for next Wednesday. May 31, 1978, Mr. Ford and I both received copies of the first amended complaint yesterday, May 23, 1978. I received an accompanying letter from Sergeant Liggins indicating that Rule 5.149 of the Police Department's Rules and Regulations requires that Mr. Ford and/or his council enter a plea to the charges at least 24 hours before the Hearing and, since the Commission was not going to meet again before next Wednesday, I am present to enter the Plea of 'Not Guilty' and waive any instruction or arraignment, and we will be prepared to go to Hearing next Wednesday."

Commissioner Siggins: "Okay, is it scheduled for a Hearing next Wednesday? Okay, Mr. Baranco, we've been accepting a letter from the attorney announcing the plea, but it is a pleasure to see"

Gordon Baranco: "I would have preferred to have done it by letter, but the indication that I had was that I had to be present, but, at any rate, the plea is entered of 'Not Guilty.'"

Commissioner Siggins: "Okay, see you next week Mr. Baranco. Thank you."

RESOLUTION NO. 255-78

GROVER FORD, MUNI TRANSIT SECURITY OFFICER

WHEREAS, First Amended charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Grover Ford, Muni Transit Security Officer, as follows:

SPECIFICATION NO. 2

The Statement of Charges served on the accused February 4, 1978, is amended as follows:

Paragraph (b) of Specification No. 2 is deleted, and substituting therefore a new paragraph (b) to wit:

- (b) That during the early morning hours of December 25, 1977, the accused did engage in a forceable act of sexual intercourse with said female;

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the First Amended charges of violating the Rules and Procedures of the San Francisco Police Department filed against Grover Ford, Muni Transit Security Officer, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez, Siggins

NOT VOTING: Commissioner Toler

HEARING OF POLICE OFFICER DONALD A. FOUKE, NORTHERN POLICE STATION

The hearing of Police Officer Donald A. Fouke, Northern Police Station, was called, it having been set for this date. Police Officer Donald A. Fouke was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Reflecting Discredit Upon Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Drawing a Firearm in Public Place. (Violation of Section 14.07 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to Hold Himself Ready to Perform Police Duty. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 4

Failure to Address Superior Officer by Title of Rank. (Violation of Section 2.31 of the Rule and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 5

Failure to be Respectful to Superior Officer. (Violation of Section 2.33 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police, of the San Francisco Police Department.

Police Officer Donald A. Fouke appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Scott Rosien, Attorney at Law, appeared as the Prosecutor for the Police Department.

The reading of the charges was waived.

Police Officer Donald A. Fouke entered, through his attorney, a plea of 'guilty' to Specification No. 1 and Specification No. 3, as amended, and to Specification No. 5.

The following-named witness appeared for the Prosecution, was sworn and testified:

Police Officer John F. Devine
Special Assistant to Chief of Police

It was stipulated by the Prosecution and Defense that Specifications No. 2 and No. 4 be deleted.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 253-78

DECISION - HEARING OF POLICE OFFICER DONALD A. FOUKE, NORTHERN POLICE STATION.

WHEREAS, on April 1, 1978, Charles R. Gain, Chief of Police, made and served charges against Police Officer Donald A. Fouke, as follows:

SPECIFICATION NO. 1

- (a) That on or about Monday, January 2, 1978, at approximately 2310 hours, the accused had occasion to be in the vicinity of Hyde and Ellis Streets in San Francisco;
- (b) That the attention of members of the police department was drawn to the accused by reason of his actions;
- (c) That the accused was standing at the street corner supporting himself against a street sign;
- (d) That at the time the accused was observed, to have a firearm in one hand and a glass in the other;
- (e) That the accused was not in a condition to render himself ready to perform police duties;
- (f) That the accused did conduct himself in an unofficerlike manner when talking with the officers who were investigating his conduct, by reason of his abusive language and insulting remarks;
- (g) That by reason of the above stated conduct, the accused did reflect discredit upon the police department;
- (h) That such conduct violates Section 2.13 of the Rules and Procedures of the San Francisco Police Department which reads as follows:

"2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or

that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered un-officerlike conduct triable and punishable by the Board."

*SPECIFICATION NO. 2

- (a) That each and every allegation in paragraphs (a) through (g) of Specification No. 1 as incorporated herein as though fully set forth;
- (b) That the drawing of a firearm in public is contrary to policy of the department and violates Section 14.07 of the Rules Procedures which reads as follows:

"14.07 - A member shall not draw a firearm in any public place except in the line of duty or for inspection by a superior."

SPECIFICATION NO. 3

- (a) That each and every allegation in paragraphs (a) through (g) of Specification No. 1 is incorporated herein as though fully set forth;
- (b) That on or about Monday, January 2, 1978, at approximately 2310 hours, the accused had been drinking alcoholic beverages;
- (c) That the accused was in a condition in which he was not capable of performing police duty on the above stated date and time;
- (d) That by reason of his condition, the accused could not hold himself in readiness to perform police duty;
- (e) That the above conduct violates Section 2.25 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.25 - Shall, except in cases of sickness or disability rendering him unfit to perform police duty, hold himself in readiness at all times to perform said duty."

*Deleted upon stipulation of both attorneys.

*SPECIFICATION NO. 4

- (a) That each and every allegation of paragraphs (a) through (g) of Specification No. 1, and paragraphs (a) through (d) of Specification No. 3 are incorporated herein as though fully set forth;
- (b) That on or about Monday, January 2, 1978, at approximately 2310 hours, the accused did, on several occasions, not address his superior officers by title of rank;
- (c) That the above stated conduct violates Section 2.31 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.31 - Shall at all times address superior officers by title of rank."

SPECIFICATION NO. 5

- (a) That each and every allegation of paragraphs (a) through (e) of Specification No. 1; paragraphs (a) through (d) Specification No. 3; and paragraphs (a) and (b) of Specification No. 4, are incorporated herein as though fully set forth;
- (b) That on or about Monday, January 2, 1978, at approximately 2310 hours, the accused did conduct himself in such a manner as to be disrespectful to his superior officers;
- (c) That the above conduct violates Section 2.33 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"2.33 - Shall be respectful to his superior on all occasions whether on or off duty."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343

*Deleted upon stipulation of both attorneys.

of the Charter of the City and County of San Francisco on Wednesday, May 24, 1978, and that on Wednesday, May 24, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Donald A. Fouke, as contained in Specification No. 1 are sustained by the evidence presented at the hearing and that Police Officer Donald A. Fouke violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Donald A. Fouke, as contained in Specification No. 3 are sustained by the evidence presented at the hearing and that Police Officer Donald A. Fouke, violated Section 2.125 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Donald A. Fouke, as contained in Specification No. 5 are sustained by the evidence presented at the hearing and that Police Officer Donald A. Fouke violated Section 2.33 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that for violation of Specification No. 3, Section 2.125 of the Rules and Procedures of the San Francisco Police Department, Police Officer Donald A. Fouke, shall be terminated effective Thursday, May 25, 1978 as a San Francisco Police Officer, that the imposition of the sentence be suspended for a period of one year subject to the following:

- (a) Police Officer Donald A. Fouke shall attend meetings of the San Francisco Alcoholic Abuse Program as instructed and directed by the Special Assistant to the Chief of Police, for a period of one year.
- (b) That Police Officer Donald A. Fouke, completely and totally abstain from the use and consumption of any alcoholic beverage for a period of one year.

and be it further

RESOLVED, that after the period of one year, and provided Police Officer Donald A. Fouke has complied with the terms and conditions herein, the Commission, upon its own motion, will vacate its order of termination; and be it further

RESOLVED, that it is the order of the Police Commission that for violation of Specification No. 1, Section 2.13, and Specification No. 5, Section 2.33, of the Rules and Procedures of the San Francisco Police Department, Police Officer Donald A. Fouke be suspended for five (5) working days without pay, as follows:

Thursday, May 25, 1978
Friday, May 26, 1978
Monday, May 29, 1978
Tuesday, May 30, 1978
Wednesday, May 31, 1978

AYES: Commissioners Ciani, Murphy, Sanchez,
Siggins

NOT VOTING: Commissioner Toler

(The entire proceedings were taken
in shorthand form by Hearing Reporter
Linda Pransky, C.S.R.)

HEARING OF POLICE OFFICER DAVID RIOS, SOUTHERN
POLICE STATION

The hearing of Police Officer David Rios, Southern Police Station, was called, it having been set for this date. Police Officer David Rios was charged with violating the Rules and Procedures as follows;

SPECIFICATION NO. 1

Conduct Which Reflects Discredit
Upon the Police Department. (Violation of Section 14.07 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Drawing a Firearm on Public. (Violation of Section 14.07 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police, of the San Francisco Police Department.

Police Officer David Rios appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Lawrence A. Wilson, Attorney at Law, appeared as the Prosecutor for the Police Department.

The reading of the charges was waived.

Opening statements were made by both the Prosecuting and Defense Attorneys.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Mr. Sergei Bassehes
1645 Judah Street
San Francisco, California

Francesca Dobson
1645 Judah Street
San Francisco, California

The following-named witnesses appeared for the Defense, were sworn and testified:

Police Officer Jess Peinado
Southern Police Station

Police Officer David Rios
Southern Police Station

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 254-78

DECISION - HEARING OF POLICE OFFICER DAVID RIOS,
SOUTHERN POLICE STATION

WHEREAS, on March 30, 1978, Charles R. Gain, Chief of Police, made and served charges against Police Officer David Rios, as follows:

SPECIFICATION NO. 1

- (a) That on or about November 20, 1977, the accused while on duty, had occasion

to make a traffic stop on a vehicle near the corner of Nineteenth and Valencia Streets in the City and County of San Francisco;

- (b) That during the course of the traffic stop, the accused did become involved in a verbal dispute with the party involved;
- (c) That after a radio check was made and it was determined that there was an outstanding traffic warrant for the subject, the person was told that he would have to accompany the accused and his partner to Southern Station to clear up the matter;
- (d) That when the detained person started his vehicle, the accused did draw his service revolver and point it at the detained person;
- (e) That the detained person was then ordered from his vehicle, subjected to a pat search, handcuffed and placed in the police vehicle;
- (f) That the above described actions did reflect discredit upon the police department by reason of the unwarranted nature of accused's response to the situation;
- (g) Because of the above stated activity, the accused did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which is hereinafter quoted:

"2.13 - Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered un-officerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 2

- (a) That each and every allegation in paragraphs (a) through (f) of Specification

No. 1 is incorporated herein as though fully set forth;

- (b) That departmental policy indicates that firearms are to be resorted to as the last alternative;
- (c) That by reason of the above described actions, the accused did violate Section 14.07 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"14.07 - A member shall not draw a firearm in any public place except in the line of duty or for inspection by a superior."

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 24, 1978, and that on Wednesday, May 24, 1978, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer David Rios, Southern Police Station, as contained in Specification No. 1, are not sustained by the evidence presented at the hearing, and that Police Officer David Rios has not violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer David Rios, Southern Police Station, as contained in Specification No. 2, are not sustained by the evidence presented at the hearing and that Police Officer David Rios has not violated Section 14.07 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer David Rios has not violated Specification No. 1, Section 2.13, and Specification No. 2, Section 14.07 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1, Section 2.13, and Specification No. 2, Section 14.07, be, and the same are hereby dismissed.

Recesses taken during the hearing
of Police Officer David Rios:

2052 hours to 2100 hours
2135 hours to 2140 hours.

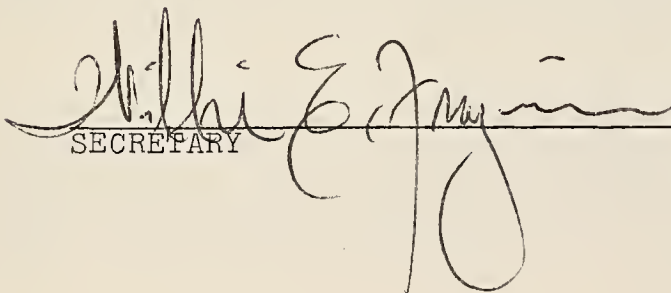
AYES: Commissioners Murphy, Sanchez, Siggins

NOT VOTING: - Commissioner Ciani

ABSENT: Commissioner Toler

(The entire proceedings were taken
in shorthand form by Hearing REporter
Linda Pransky, C.S.R.)

The Commission adjourned its meeting at 2154
hours.


SECRETARY

31 MAY 1978

REGULAR MEETING

Minutes

8 The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 31, 1978 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

OCT 24 1978

Commissioner Siggins presiding.

DOCUMENTS DEPT.
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POLICE COMMISSION RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSION VICE-PRESIDENT FOR THE BOARD OF POLICE COMMISSIONERS. (CONTINUED FROM THE MEETING OF MAY 24, 1978.) - CONTINUED FOR ONE (1) WEEK.

Commissioner Siggins: "Anyone want to speak to that?"

Commissioner Ciani: "I would like to make a motion as I was unable to attend the last meeting. I don't know how this item was generated. I think some members of the Commission are concerned that we have someone to promptly chair meetings in the absence of the President, so I would propose that in the absence of the President, the duty of Chairing the meetings be rotated monthly, based on alphabetical order."

Commissioner Toler: "Mr. President, perhaps.... What has been the past practices of this Commission as far as the Vice President?"

Commissioner Siggins: "There has not been a Vice President. I checked with Sergeant Frazier and there has not been a Vice President. It is written in the Charter that they shall appoint a President and that is about it."

Commissioner Murphy: "The Charter is silent on the Vice President."

Commissioner Siggins: "Right."

Commissioner Sanchez: "Or, through the Chair if I might ask another question? I think a number of meetings ago the issue of perhaps having a Vice

Chair was raised. I think many of the concerns with the rotation idea was voiced at that time also. I think Commissioner Ciani was not present at that meeting, but none the less, I think there was a feeling among some of the Commissioners that perhaps at this point the idea of having a Vice Chairman for a Commission such as this is pretty much in following what the tradition is of the other Commissions in the City. Now, whether it would be on the Community College Board of Governors or Board of Education or Park and Recreation or whatever, there is usually, perhaps, a Chairperson and a Vice Chairperson because there is no such position here, I would, perhaps, move that the Commission entertain a motion to establish a position of Vice Chairperson and/or Vice President, whatever the official title is, and if that would be acceptable, then I would have another motion to make."

Commissioner Ciani: "Well, I have already made a motion."

Commissioner Sanchez: "Oh, I am sorry."

Commissioner Siggins: "There was one motion before us."

Commissioner Sanchez: "Yes, but there was no second to that."

Commissioner Toler: "May I ask Commissioner Sanchez, would this person be a rotating Vice President or one who would be serving for the duration of the person in office?"

Commissioner Sanchez: "I would assume that the appointment or, perhaps, the selection of a Vice Chairperson for the Commission would serve for the same duration as the Chairperson of the Commission, and to be quite honest with you, I have no idea what the duration of the Chair is, or if this has been a rotating Chair, or how it operates, but I have no problems if you are talking about duration for part or whole, but it seems to me that the Vice Chair and the Chair should be, perhaps, selected by this Commission for the specific period of time, whatever that has been over the past Commission's duration, so if that's a, perhaps, two year rotation, or one year rotation, or if it goes from one fiscal year to another, I have no idea what the mechanisms are for this and I would be open to discussion on this."

Commissioner Siggins: "Okay, we have not had an election on the President of the Commission since

January of 1976. This particular President will entertain a motion for replacement at any time, but we are talking now about a Vice President and I really suggest that it be done on a rotation basis...on a replacement basis once a month, and as I say, we can change the President any time we want."

Commissioner Sanchez: "Yes, if I may speak on that because the Chair has raised this, it seems to me that just as a matter of rational process, or you know, that if there is a Chairperson which we have on this Commission and that Chairperson serves whatever the duration is, if it is unlimited or for perhaps if for....you know, or as an example, like for the full four year term, I have no problems with that. I think, however, that there should be a Vice Chairperson of this Commission and then that Chairperson should serve for the same duration as the President of the Chairperson per se, if, indeed, we wish to discuss about time variables for duration of these positions, I think that that's a whole other question and something that certainly the Chair might entertain at some point, but I feel, you know, quite satisfied that whatever the operating procedure is of, you know, of the Commission over the past, you know, couple of years, it's fine, I do feel very strongly that we should have a Vice Chairperson and that that Chairperson should coincide with the duration of duty of the President."

Commissioner Ciani: "Although my motion is on the floor, I will make a few comments about Commissioner Sanchez's proposed substitute motion, or whatever it is. You haven't indicated what duties you think the Vice President or Vice Chairperson would have and I would be opposed to it for that reason. I don't see that any case has been made for any need other than to Chair meetings in the absence of the President. As the member with the greatest seniority, I think it is appropriate that I speak to it. It might diminish the authority of all of the other members of the Commission without serving any stated purpose so I would be opposed to it. Also, if it's intended to create a line of succession, then it should be addressed as creating a line of succession and not just indirectly doing so. Is it intended that the Vice Chairman would then succeed the Chairman?"

Commissioner Sanchez: "You know, I have no hidden cards in mind, it just seems to me that the question did come up and that I, personally, find that, basically, this Commission should have a Vice Chairperson and what the official function should be, I would assume that that would be left up to the jurisdiction of the President of this

Commission, as for an example, there are many, many official acts of this Commission where, perhaps, presentations or whatever where the President cannot make it, I would assume that the Vice President would carry out that role and function, I mean, I have no problems with that, you know, I don't see where this dilutes, you know, each one of our votes, you know, we have five votes on this and I don't see whereby having a Vice Chairperson to serve along with the President of this Commission would by any way sort of delete the, quote, 'Collective Power', of the Commission. As far as addressing the question are we setting up a rotation process? I think not. Number 1, it seems to me that the rotation process has never even been defined. I think that if we are talking about succeeding to the Chair, and whatever the Chairs are, and so forth, and so on, but if, you know, if the Chair would like to, at some point, study the possibility of rotation, I think that again, that's up to the Chairperson of this Commission. I am not indicating that you know, you know, that a Vice Chairperson would immediately succeed the President of this Commission, as I said before I have no problems about the duration of terms and so forth, if perhaps the duration is four years that's fine, you know, I have no problems with that whatsoever, I do feel that as far as continuity, you know, that as far as the need to have official representation at a number of these activities and functions of the Commission, that keeping in the tradition of San Francisco, that we should have a Vice Chairman of this Commission and, therefore, I would like to move that we do establish a Vice Presidency for the Police Commission."

Commissioner Siggins: "Well first of all, we have a motion by Commissioner Ciani. Would you define your motion again?"

Commissioner Ciani; "Well, I move that we establish a rotation whereby for at a month at a time each member of the Commission will assume the duty of chairing meetings in the absence of the President."

Commissioner Toler: "I would like to amend the motion."

Commissioner Siggins: "Pardon?"

Commissioner Toler: "I would like to amend the motion."

Commissioner Siggins: "There is no second?"

Commissioner Sanchez: "If there is no second then there is no motion, I would like to again formulate"

Commissioner Siggins: "Let me call on Commissioner Toler first."

Commissioner Sanchez: "Oh, I am sorry."

Commissioner Toler: "Well, in view of the concerns that have been expressed by both Commissioner Ciani and Commissioner Sanchez, I feel that we should possibly look into the possibility of rotation as well as how long this person is to serve, and in view of the fact, too, that the President was not, say, elected by this body here, I think we should look into what the next step we should take as a Commission."

Commissioner Murphy: "He was elected by the....."

Commissioner Siggins: "No, he means by the present members, go ahead."

Commissioner Toler: "I would like to think in terms of deferring this until we have an opportunity to look into this thoroughly."

Commissioner Sanchez: "Question if I might on Commissioner Toler's, I guess, motion, therefore at this point we, as a Commission, will not entertain a motion to establish a Vice Chairperson period, right, but basically, what you are requesting is that the Chair set up a mechanism to study what a rotation process might be in reference to a Vice Chairperson and I would assume, also, the Chair itself, if indeed we are going to be consistent as far as, you know, establishing officers of City Commissions."

Commissioner Siggins: "That's what I understand Commissioner Toler's suggestion is."

Commissioner Toler: "There is no question in my mind, I think that we do need a Vice President, I think we do but I would like too, before doing so, that we look into all of the possibilities."

Commissioner Sanchez: "Fine, or if I might speak to that, you know, I personally feel very good about the fact that we have a Chairperson such as our present and that if indeed the rotation would be for a full four years, I have no problems with that whatsoever, I think that would be fantastic, however, what I am saying is that I do feel we need to have a Vice Chairperson of this Commission and I think it should be given its full attention, but if we are going to take a look at a rotation basis for

a Vice Chair, I think we should be consistent and also look at the rotation for the Chairperson."

Commissioner Siggins: "Well, what do you want to do with your motion, do you want to withdraw it and then take it....."

Commissioner Sanchez: "I didn't have a second, so if Burl has a second we can move on."

Commissioner Ciani: "Well, I will second Commissioner Toler's motion."

Commissioner Siggins: "Okay, all in favor?"

Commissioner Murphy: "I am not quite sure I understand how....."

Commissioner Toler: "In other words, I think that Commissioner Sanchez would like to start tonight with the selection of a Vice President and I would like to, before doing so, make sure that we are on sound ground before doing so."

Commissioner Siggins: "Well, what do you say if we put it over for two weeks?"

Commissioner Toler: "I would agree to that."

Commissioner Siggins: "Put the matter over for two weeks....."

Commissioner Sanchez: "Fine, it has been held over for two weeks, so we might as well be consistent."

Commissioner Siggins: "Well, it was held over last week because all of the Commissioners were not here. Is it anticipated....."

Commissioner Toler: "One week would be fine with me, I think that we should do it in one week."

Commissioner Siggins: "Alright, it was held over the first night because of a public hearing and we were trying to move along. The second night was because one of the Commissioners was not here. Is it anticipated that all of the Commissioners will be here in two weeks?"

Commissioner Sanchez: "I don't think Burl was here last time, so we want to make sure all of the Commissioners are here."

Commissioner Siggins: "Is it anticipated we are all going to be here two weeks from now?"

Commissioner Toler: "A week from now."

Commissioner Sanchez: "A week from now."

Commissioner Siggins: "Oh, I thought you were going to.....fine."

Commissioner Toler: "One week would be fine with me."

Commissioner Siggins: "We will have it next week then."

Commissioner Ciani: "Well, what is to happen in the interim, is someone to come up with various alternatives?"

Commissioner Toler: "Check the Charter and find out where things are.....sure. I think we should."

Commissioner Murphy: "Well, the Charter is silent on how the President is elected and how long he or she should serve and, actually, all of the original Commissioners appointed in 1976 are all equal distant as far as seniority is concerned."

Commissioner Ciani: "Except for break in service."

Commissioner Murphy: "Oh yes, except for break in service, I forgot about that."

Commissioner Siggins: "I didn't know how you had arrived at that."

Commissioner Ciani: "Well, our secretary advised me that I was senior."

Commissioner Murphy: "Oh really, well we didn't know about it."

Commissioner Siggins: "Well why don't we, well let me just suggest, why don't we put it over for two

weeks and then consider the election of President and Vice President at that time?"

Commissioner Toler: "Well, I think we are concerned about the Vice President at this stage."

Commissioner Murphy: "I would agree with you."

Commissioner Siggins: "Put it over for next week then?"

Commissioner Toler: "For the Vice President only."

Commissioner Siggins: "Okay, alright, over to next week then."

Commissioner Murphy: "Actually this whole thing started, you know, Commissioner Siggins when you had a case in Santa Rosa and couldn't get back in time for a session with the City Attorney on the Officers For Justice case. There was no hidden agenda at all. Never has been."

Commissioner Siggins: "Alright, okay, may we have the next item?"

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2796 HARRISON STREET - LA BORINQUENA MARKET

- a) At 2796 Harrison Street, install a 44' yellow zone, to extend from north property line 44' south of same.
- b) Meters #2794 and 2796 to be removed.

2726 SAN BRUNO AVENUE - CALLISON MOVING COMPANY

- a) At 2726 San Bruno Avenue, install a 22' yellow zone, to extend from 22' to 44' south of north property line (a 22' extension to present 22' zone.)
- b) Meter #2712 to be removed.

2655 BUSH STREET - S.F. COMMUNITY CONVALESCENT HOSPITAL

- a) At 2655 Bush Street, install a 44' blue zone, to extend from east property line 44' west of same.
- b) Meters #2603 and #2605 to be removed.

728 VALLEJO STREET - THREE STAR BRAND RICE COMPANY

- a) At 728 Vallejo Street, install a 22' yellow zone, to extend from west property line 22' east of same.
- b) Meter #714 to be removed.

753 CLAY STREET - NEW STYLE TAILORING TRADING CO.

- a) At 753 Clay Street, install a 22' yellow zone, to extend from east property line 22' west of same.
- b) Meter #725 to be removed.

450 BALBOA STREET - OLYMPIC SAVINGS AND LOAN

- a) At 450 Balboa Street, install a 22' green zone, extending from existing green zone 22' south extension.

1750 FRANKLIN STREET - 1750 FRANKLIN APARTMENTS
(13 UNITS)

- a) At 1750 Franklin Street, install a 22' white zone, extending from 22' to 44' south of north property line.

497 FULTON STREET - S.F.P.D.

- a) At 497 Fulton Street, revoke existing 30' green zone, extending from 3' to 33' east of Octavia Street.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 30 feet of green zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 256-78

ORA SEAY AND HER ATTORNEYS MELVIN
L. SCHECIER AND F. THEODORE KITT

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Ora Seay in the sum of \$350.00 in Superior Court Action No. 702-240 entitled "Ora Seay v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 24, 1975

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NC. 257-78

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same are hereby approved:

Captain Paul Lawler	)	(Executive Development
	) \$446.80	(Course, Golden Gate
Captain Joseph Lordan	) each	(University, Tiburon,
	)	(California, from April
Captain James Ryan	)	(30, 1978 to May 12,
		(1978, inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 258-78

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted for forty hours of instruction for thirty field training officers, be, and the same is hereby approved:

Forty hours of instruction)	\$7,650.00	(Field Train-
for thirty field training)		(ing Officer
officers.)		(Seminar at Santa
		(Cruz, California,
		(from May 11, 1978
		(to May 19, 1978,
		(inclusive.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

WEEKLY SICK REPORT

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	57	57
Daily average for the week disabled	<u>99</u>	<u>100</u>
TOTALS	156	157
This is an increase of one (1) member off duty daily from the previous week.		
Daily percentage for the week sick		3.12
Daily percentage for the week disabled		<u>5.99</u>
TOTAL		9.11
Disabled at the start of the week		105
Started during the week		10
Returned during the week		21
Disabled at the end of the week		94
Net Gain or Loss		-11

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
APRIL 19, 1977 AT 2400 HOURS:

Daily average for the week sick	89
Daily average for the week disabled	<u>95</u>
TOTAL	184
Daily percentage for the week sick	4.17
Daily percentage for the week disabled	<u>5.75</u>
TOTAL	9.92

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
MARCH 21, 1978 AT 2400 HOURS:

Daily average for the week sick	62
Daily average for the week disabled	<u>99</u>
TOTAL	161
Daily percentage for the week sick	3.44
Daily percentage for the week disabled	<u>5.95</u>
TOTAL	9.39

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "No report tonight Mr. President, members of the Commission, however, I did submit to the Commission several documents, if you have any questions, of course, or comments on those, I will be happy to discuss them."

Commissioner Ciani: "I thought that Personnel list just needed a little bit of explanation. The list represents indications of the duties to which various officers want to transfer. Is that correct?"

Chief Gain: "Yes, yes the Commission approved and we issued a transfer procedure earlier this year, and one part of that transfer policy set forth a procedure whereby when any member of the police department, sworn member, wants to go to a particular organizational unit, such as the Horse Detail or the Street Crime Unit, Crime Specific Task Force, Training, or whatever it may be, the individual puts in a letter of request and then that letter of request, based on the date the letter was written, goes into a file for that particular unit. So when a vacancy occurs, the file will be looked at, and this is a listing, and the officer who has the most senior letter will be transferred to that unit, unless there is a demonstrable reason why that person should not be transferred. So what this does is, it actually puts teeth in the policy that was adopted by the Commission to have an objective, fair transfer policy in the San Francisco Police Department. This precludes then within a particular unit, for example, of the

members of that unit, be it the Captain or anyone else deciding they want that individual, or perhaps personal reasons, personal considerations, politics, or whatever it may be. So we just gave the Commission for its information, a list then of the letters, and of course, the transfer order provides that in January of every year officers must renew, reconfirm their request and if they do then it will be a standing request."

Commissioner Ciani: "I don't have the text of the order in front of me. Could you remind me what type of discretion is exercised where someone protests his placement on or absence from the list?"

Chief Gain: "Well, we have actually been through that. This is the final list and I think there were, what, three proceedings?"

Deputy Chief Mullen: "Two."

Chief Gain: "Two proceedings where, because there had been standing letters of request in the personnel files, a published list was put out and everyone then could, if they wanted to, contest their positioning as far as their letters, and so the second one is out and this is actually the final one, and we feel that we have considered all protest, but we put that wording so that if anyone does want to protest it, they still have the opportunity."

Commissioner Ciani: "Well then, it also refers to contesting the transfer when it's about to be made, would that contest be by someone who claims to have....."

Chief Gain: "Greater seniority, greater seniority of request of their particular letter."

Commissioner Ciani: "Alright, thank you."

Commissioner Siggins: "Who handled the earlier protest, if there were some?"

Deputy Chief Mullen: "The Personnel Division did the Staff work on it. They conferred with Legal and for a few towards the very end, I got involved in them. Copies of the list, before it was issued in this form, were made available to a representative of the association and we have no complaints from them. He came down and looked at it and any sort of list like this, particularly when some of these things are dated back into the seventies, there

are documents missing that we can't re-enter."

Commissioner Siggins: "Now, if I were an officer say in Central Station and wanted to be....go to any other station, I could make a request for each of those stations, is that right? I mean I notice there are duplicates."

Deputy Chief Mullen: "Yes sir."

Chief Gain: "You could choose ten places and whichever comes up first, you can go or you can decline to go."

Commissioner Murphy: "Could I ask something? If you have a person who is requesting a transfer and it's been reaffirmed but they are in a very strategicI was seeing where Lieutenant Richard Klapp, for example, who is a kingpin in our training program, he is requesting a transfer to Northern, I guess it is, isn't that correct, does it have to be honored or is that just pro forma or what?"

Chief Gain: "Pro Forma, right now."

Commissioner Murphy: "Hopefully."

Chief Gain: "Well it is, he's happy where he is... .."

Commissioner Murphy: "But he just wants to keep his order in in case?"

Chief Gain: "Well, that's a good way to put it."

Commissioner Murphy: "Well, I mean I would think it would be terrible to lose him in training, that's what I am worried about."

Chief Gain: "There is no cause for worry right now."

Commissioner Murphy: "Thank you."

Commissioner Siggins: "Are there any other questions?"

Commissioner Ciani: "Well, this is a minor question, but if one does have ten transfer requests in and is transferred to one of them, do the other nine remain on the list or are they eliminated?"

Chief Gain: "They would still remain under our procedures. We would become concerned of course, that if a person did have one request honored and two months later he wanted to go somewhere else, then we could exercise administrative decision making and preclude that type of thing."

Commissioner Toler: "Chief, is there a time limit set on persons wishing to transfer from one department to another, how long must one stay on a job before he can request a transfer?"

Chief Gain: "We don't have any set policy on that, none. The general feeling is that with the newly hired officer that that officer probably will remain in the Patrol Division for approximately three years in order to become well trained and knowledgeable about the basic police job, which is patrol. Now that's not set in concrete, that's the general feeling. Beyond that there is no definite length of time."

Commissioner Toler: "Okay, thank you."

Commissioner Sanchez: "Can I ask a question of the Chief also, the various units to which these people are perhaps applying for transfer does the unit itself, say the Dog Unit, does the staff itself in that unit have some say in the selection process of officers coming into that unit or is this done through whatever mechanism....."

Chief Gain: "No, they have only this, that this influence, if Officer Jones' name is up first, if his letter is there, unless there is a reason that can be documented to me for not taking that officer, that officer will go whether they like it or not. So they would have to make a case. The assumption is that every officer is qualified, so that Officer Doane then if his name comes up to go to the Dog Detail or whatever, it might be they would have to take him unless they can make a case, based upon performance in his present position or whatever it may be, that he should not go in that particular detail."

Commissioner Sanchez: "I understand. Okay, the second question I had pertained to the letters, one from Gil Brigham, dated April 25th 1978, and then the response of May 23rd, and I read this through a few times, and I just read it through again, and I still can't quite understand what we are saying here."

Chief Gain: "My response, you mean, to him?"

Commissioner Sanchez: "Right, well I mean, basically, the letter of the 25th, as you read it through, it seems as if you know they are praising the fact here is a unit that has been very responsive, especially in these areas such as noise pollution, parking, juvenile, ecetera, ecetera, you know, and therefore, they are saying from our perspective the Community Relations Unit is performing their functions with an admirable degree of excellence. This is quite a compliment. We sort of thanked them for the praise and then say from now on refer complaints I have cited to another division because this comes under their jurisdiction. I just wondered if maybe that was the intent of the initial letter or if maybe....."

Chief Gain: "Here is what happened, when I read Mr. Brigham's letter and saw the types of complaints being referred to the Community Relations Bureau, I immediately became concerned because these matters are, in fact, are not within the province of the Patrol Bureau. In fact, I called Gil on the phone and thanked him for the letter and I discussed it with him and what occurred was that Gil didn't know to whom in the department to refer these matters. He gets citizens that have to be deferred to the Police, he had knowledge of the Community Relations Bureau, he started referring them, that Bureau did handle the problems but it resulted then in them undertaking a workload in addition to what they are already doing, and then much to the point, all of these things should have been referred to patrol. So I said to Gil, okay, we appreciate your commendation but lets get it to the Deputy Chief's Office and you will get the same response and it puts the problem where it should be, within the Patrol Bureau."

Commissioner Sanchez: "I understand the explanation, but you know I read that letter and I couldn't find that explanation in there and that's why I just wanted to ask....."

Chief Gain: "My response?"

Commissioner Sanchez: "Right."

Chief Gain: "Well, my response is rather succinct because I had a long conversation with Gil on the phone and so I didn't feel I had to put all that indulgence in there."

Commissioner Sanchez: "I didn't know that, that is why I asked."

Chief Gain: "Oh, that's alright, that's fine."

Commissioner Siggins: "I spoke to Mr. Brigham this morning and he told me he was delighted with the response that he has been getting from Chief Taylor."

Chief Gain: "Yes, it's working well. I think he is getting the same results, only now from the right people. Our basic concept is that the responsibility also in the nine district stations are to relate with citizens in whatever area they can when it comes to police services so this puts it then within the right context, that's all it amounts to."

Commissioner Siggins: "Anything else under the item for the Chief's Report? Thank you, Chief. Commissioner Murphy has a few items that we will discuss later."

TRANSFER OF TAXICAB PERMITS

Commissioner Ciani: "I have a question about whether we are going to require references where we have a corporate transferee with such a small number of shareholders. There are only three shareholders. Have we decided to make it a practice of requesting no references for shareholders for transferee Corporations?"

Deputy Chief Mullen: "As we discussed at the last meeting, since this is a relatively new process, how we end up by way of form and such, we will do what the Commission wants. On these particular transfers, particularly when we are talking about families, some of them are minor children, we felt that if it is the man's son, it would be idle to a 10 year old son, it would be an idle sort of thing to require that that person get a letter of reference. If the Commission wishes we can....."

Commissioner Ciani: "These people are designated adult sons, are they all adults?"

Mr. Lim, Attorney: "No, there is only one adult son. There is Mr. Man Leung....there is three individuals, Mr. Man Leung who is the principal holder of the permit at the present time. His spouse Mrs. Leung....."

Commissioner Siggins: "let's define our terms, who is the seller here?"

Mr. Lim: "Mr. Man Leung is the seller."

Commissioner Siggins: "And the name of the transferee?"

Mr. Lim: "The transferee will be Universal....
er, Leung Transportation Company.

Commissioner Siggins: "Well, okay, okay."

Commissioner Ciani: "Well it's indicated here
that Ken Schick Kee....."

Mr. Lim: "Is the adult son. The son, Ken Leung,
is at the present, a driver and he's....has the
required documents on file with the Police Depart-
ment, as well as Mr. Leung."

Commissioner Ciani: "Well, I don't think we should
abandon the whole notion of getting references just
because we have some minor shareholders."

Deputy Chief Mullen: "Commissioner, to be more
responsive, you know, to your question, this issue
initially came up, it was our intention originally
at the staff level to require every requirement of
a corporate owner that we did of a sole owner, to
include record check, the whole thing, the medical
certification. We fell off that absolute position
when the issue of minor children came up. So we
really haven't set in concrete, precisely what the
breakoff would be and we stand ready to impose any
type of requirements that you wish."

Commissioner Ciani: "Could we try an experiment
and try to get references for adults who own 20%
or more of the stock?"

Deputy Chief Mullen: "How about 10% because every-
thing else is geared to 10%."

Commissioner Ciani: "Everything else is 10%?"

Deputy Chief Mullen: "Okay, adults....10% and record
checks, too, then."

Commissioner Ciani: "I would think that appropriate."

Deputy Chief Mullen: "Okay."

Mr. Lim: "Does that apply to....."

Commissioner Ciani: "But I just offer that for discussion, I don't know if anyone else has any feelings on the subject."

Commissioner Murphy: "Well, I have, I think that we ought to, at least for these very small corporations, three officers for instance. I don't think we should of course for children, because they probably wouldn't have a record anyway, but I think other than that, adults who are shareholders and so on, I really think we ought to look into, because they are responsible for the conduct of the corporation. At least we ought to have arrest records and that sort of thing. I am not saying that we should hold this action up necessarily."

Commissioner Ciani: "Why don't we make the same conditional approval of this application subject to the checking of the records of the individuals?"

Commissioner Siggins: "Okay, as I go through this Mr. Lim, I see that the shareholders are Mr. Man Leung and then his wife, and then there is an adult child, is that correct?"

Mr. Lim: "Yes, I was just wondering on the recommendations, are you going to apply that rule to shareholders and drivers of.....for instance in this situation, Ken Leung, the son is presently a driver and all his requirements are on file with the Police Department. And the only person in this case who has no records on file is the spouse who is an inactive participant in the corporation."

Commissioner Siggins: "I think we could kind of do this on an Ad Hoc basis as far as the department is concerned, and then this one appears to be in order."

Commissioner Ciani: "Well, I am concerned about an approach. Who is going to make the determination of whether it is appropriate to check or not?"

Commissioner Siggins: "Well, I would think we were only going to have....this is a kind of a run on them tonight, but I don't think we are going to have that many....before....you look at them, don't you Chief?"

Deputy Chief Mullen: "Yes, the files?"

Commissioner Siggins: "Yes, I mean....."

Commissioner Ciani: "But you are saying it's not

necessary to check the record of the spouse in this case, is that your view?"

Commissioner Siggins: "No, I don't care...I mean....."

Commissioner Murphy: "I think we should."

Commissioner Ciani: "I would think so too, I don't think it should be assumed."

Chief Gain: "Staff would request that the Commission do it in the form of a resolution so that we have specific direction."

Commissioner Sanchez: "Yes, otherwise we.....it will be just when every person comes up....."

Commissioner Ciani: "Okay, I will put in the form of a motion what I stated before. I move that in transfers to corporate transferees in any case where an adult individual holds 10% or more of the outstanding shares of the corporation references and a record check be obtained in all cases."

Commissioner Murphy: "For all persons, adult persons."

Commissioner Ciani: "Right."

Commissioner Murphy: "Second."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins: "Now you want to have your... this particular transfer passed tonight conditional on the furnishing of the references on behalf of the spouse, and secondly, on behalf of....there are no letters of recommendation for the adult son, you can furnish them Mr. Lim, huh?"

Mr. Lim: "Yes, isn't that required when they apply for the drivers license?"

Deputy Chief Mullen: "I think the conversation is working a little bit at cross purposes here. I think

what the counselor is contending is that the adult son, since he already is a driver and he's already gone through all of this thing, is it necessary? Normally, in these kinds of cases where people with continuous employment with no bad records as drivers, do become cab owners, we don't ask that they go get other letters of reference."

Commissioner Siggins: "I thought they....I don't think they needed letters of reference to become drivers."

Deputy Chief Mullen: "They didn't or they do?"

Commissioner Siggins: "They do or don't?"

Deputy Chief Mullen: "They do."

Commissioner Siggins: "They do?"

Deputy Chief Mullen: "Yes."

Commissioner Siggins: "Alright, okay."

Deputy Chief Mullen: "So now, this is the sort of thing we are talking about Ad Hoc, it wouldn't hurt us to get them. It is easier to get them unnecessarily and check the record again, because in some instances we have come up with cases where drivers have been driving for a few years, get into problems elsewhere, and we don't.....it doesn't come to the attention of the department, it doesn't hurt us just to make another check, is all that I am saying, okay, and it's simpler that way then there is no exception."

Commissioner Murphy: "Question."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

Commissioner Sanchez: "We just voted on the approval of the conditional permit?"

Commissioner Siggins: "Conditional approval of this permit."

Commissioner Toler: "I move approval."

Commissioner Sanchez: "Wait Mr. Chairman, wait a minute, I'm sorry, I'm confused, I don't know where we are at this point."

Commissioner Siggins: "I think we are voting nowwe've already voted that by resolution that the staff check into the records of anybody with 10% ownership in the stock of the corporation, and now we have before us the approval."

Commissioner Toler: "I move approval of this."

Commissioner Sanchez: "I would second that."

Commissioner Siggins: "Commissioner Toler moves approval of this transfer, conditional on the furnishing of the required information of the spouse and seconded by Sanchez, all in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Mr. Lim: "Thank you Commissioners."

TRANSFER OF TAXICAB PERMITS - CONDITIONALLY APPROVED

The matter of the transfer of the right to operate taxicabs by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were represented by Mr. Lim, Attorney at Law. The Commission approved the transfers of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approval contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFERORS</u>	<u>TRANSFEREES</u>	<u>NO. OF PERMITS</u>
*Man Kwong Leung 1831-24th Avenue San Francisco, Ca.	Leung Transportation Company 1831-24th Avenue San Francisco, Ca.	1
*Kin Woo Lee 407-11th Avenue San Francisco, Ca.	Universal Cab. Inc., 407-11th Avenue San Francisco, Ca.	2

*These transfers were approved on the condition that

the transferees bring certain documents requested at this meeting.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

TRANSFER OF TAXICAB PERMIT -CONDITIONALLY APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were represented by Mr. George Henry, Attorney at Law. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
*Warren K. Wong 131 Ankeny Street San Francisco, Ca.	Bayshore Cab, Inc. 131 Ankeny Street San Francisco, Ca.	1

*This transfer was approved on the condition that the transferee bring certain documents requested at this meeting.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

TRANSFER OF TAXICAB PERMIT - CONDITIONALLY APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were represented by Mr. Norman Loo, Attorney at Law. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

TRANSFEROR

TRANSFEE . NO. OF PERMITS

*Paul M. Louis 1663-23rd Avenue San Francisco, Ca.	All-Seasons Trans- portation Service 753-1/2 Clay Street San Francisco, Ca.	1
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*This transfer was approved on the condition that the transferee bring certain documents requested at this meeting.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

Commissioner Siggins stated after approving the transfer of the above permits that the record should show that all of the attorneys here have explained to their clients the effects of Propositions J and K as they are on the ballot, that the Commission file reflects this and that this is the reason why the Commission is accommodating them tonight. He stated that the election may be over by the next Commission meeting.

TRANSFER OF TAXICAB PERMIT- CONDITIONALLY APPROVED.

The matter of the right to operate a taxicab by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. Joan M. Love, executrix of the estate of John E. Phillips, deceased, and Shirley C. Yawitz, Attorney at Law, appeared in person. Letters Testamentary No. 212772 of the Superior Court of the State of California, for the City and County of San Francisco, filed and endorsed on September 1, 1976, Carl M. Olsen, Clerk by D.F. Breen, Deputy Clerk, was presented to the Police Commission. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

TRANSFEROR

TRASNFEE

NO. OF PERMITS

*John E. Phillips, Deceased 634 Church Street San Francisco, Ca.	Estate of John E. Phillips, Deceased Joan M. Love, Executor 433 California Street San Francisco, Ca.	1
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*This transfer was approved on the condition that

the transferee bring certain documents requested at this meeting.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

TRANSFER OF LIMOUSINE PERMIT - CONDITIONALLY
APPROVED

The matter of the transfer of the right to operate a Limousine by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions applying thereto. Joan M. Love, executrix of the estate of John E. Phillips, deceased, and Shirley C. Yawitz, Attorney at Law, appeared in person. Letters Testamentary No. 212772 of the Superior Court of the State of California for the City and County of San Francisco, filed and endorsed on September 1, 1976, Carl M. Olsen, Clerk by D.F. Breen, Deputy Clerk, was presented to the Police Commission. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a limousine to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
*John E. Phillips, Deceased 634 Church Street San Francisco, Ca.	Estate of John E. Phillips, Deceased Joan M. Love, Executor 433 California Street San Francisco, Ca.	1

*This transfer was approved on the condition that the transferee bring certain documents requested at this meeting.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

TRANSFER OF LIMOUSINE PERMIT

Deputy Chief Mullen: "Mr. President, members of the Commission, this was one of those transfers that we were putting together whereby people wanted to incorporate. During the course of the process, our Permit Office met with the principals, and the subject of those meetings raised some questions in our minds as to the appropriateness of passing this

transfer at this time. On the bottom line what I am going to recommend is that we put this matter over and for these reasons: In substance, what has occurred is, and I might add that the principles involved are very free in announcing to our Staff what the situation was and in explaining how we got where we were. The permits were originally... ..and are owned by a party by the name of O'Connor. At the present time the transaction, which is before you, is one which request that the permit be transferred to an entity entitled Elite Transportation Incorporated. The principle shareholder of which....and principal officer is a party by the name of Heincke. In the intervening time in the last several years, it seems that Mr. O'Connor has entered into contracts with the party Heincke to transfer ownership or proprietorship of this Limousine Permit to Heincke by means of a contract and it so happens that these transactions were never brought before the Commission. Beyond that, there is also evidence of a contractual arrangement between the parties named Heincke and another party by the name of Rodriguez, who is actually now operating the limousine. So in summary then, the transaction which you are being asked to approve is one between Mr. O'Connor and Mrs. Heincke, and the party who is actually operating the limousine right now is a party by the name of Rodriguez who has some kind of a contractual relationship, previous one, with the party Heincke to accept proprietorship of this limousine. Now I am sure the people who want to make this transfer will want to speak to this point, but we talked about it this afternoon with our Legal Staff and with our Permit Office Staff to look into the appropriateness of all of these contracts that are going, have been going on unbeknownst to the Commission, and we have some serious questions that we want answered and we want to be able to have an opportunity at the staff level to sit down with the principals involved here and find out precisely what they are trying to do here and how they plan to overcome some of these problems having to do with non-compliance with 1079 of the Municipal Police Code in the past and perspective in our understanding of what's going on. So, my basic recommendation is that you put this matter over and give staff an opportunity to go over this matter, in depth, with the principals and report back to the Commission."

Much further discussion was had in this matter between the Commission, Mr. James Klapp, Attorney for Mrs. Heincke, and Mrs. John O'Connor, who appeared on behalf of her husband, Mr. O'Connor the Transferor. An attorney for the Yellow Cab Company also spoke in behalf of the receiver for Yellow Cab Company whom he stated was opposed to this transfer because of a judgment against Mr. Heincke in San Mateo County filed in 1972 stating that Mr. Heincke had engaged in willful malicious, fraudulent and unlawful acts in connection with cabs running in and out of San Francisco Airport.

The matter was then continued for two weeks to allow concerned parties to meet with Department Staff in an attempt to straighten out glaring discrepancies involved in the request to make this transfer. (Commissioner Ciani voted no on the motion to continue this item.)

TRANSFER OF LIMOUSINE PERMIT - CONTINUED FOR TWO (2) WEEKS.

The matter of the transfer of the limousine permit from James E.O'Connor, 72 Merced Avenue, San Francisco, California to Elite Transportation Service, Inc., 323 So. Canal Avenue, South San Francisco, California, has been continued for two (2) weeks.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NAYS: Commissioner Ciani

TRANSFER OF LIMOUSINE PERMITS -CONDITIONALLY APPROVED

The matter of the right to operate a limousine by the following-named persons were called for hearing, they having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferors and transferees appeared in person and were represented by Mr. Jack W. Dooling, Attorney at Law. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate a limousine to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFERORS</u>	<u>TRANSFEREES</u>	<u>NO. OF PERMITS</u>
*Mr. William Brody 1419 Broderick Street San Francisco, Ca.	Ishi Limousine, Inc. 718 Masonic Avenue San Francisco, Ca.	1
*Tsutomu B. Ishisaki 718 Masonic Avenue San Francisco, Ca.	Ishi Limousine, Inc. 718 Masonic Avenue San Francisco, Ca.	2

*These transfers were approved on the condition that

the transferees bring certain documents requested at this meeting.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION TO RESERVE CURB SPACE AROUND THE HALL OF JUSTICE FOR PARKING OF POLICE DEPARTMENT VEHICLES ONLY.

Chief Gain stated that Deputy Chief Mario Amoroso was there to speak to this issue and that what the Department is dealing with is the problem of getting additional vehicles, having obtained additional vehicles and simply not having enough space in the basement and other allocated parking space to park Police Vehicles. He stated that they were asking that the Commission take action so that the Department can acquire some street space, approximately 36 spaces, to park police vehicles, the result of which will be to eliminate private parking by 36 spaces.

Commissioner Murphy then asked what would be done about visitors and was advised this would mean visitors or anyone else.

The Chief continued by saying that it was an issue that the Department had to bring before the Commission for their judgment so that a determination is arrived at for the parking of the Department's vehicles. He stated that the Department recognizes the public interest also.

Commissioner Ciani stated that her concern was whether the same standards were being applied as is done when the Commission deals with request for parking by private individuals. She stated that she didn't think it was appropriate for the Commission to take this action without considering the impact on the public that presently has difficulty in finding parking in this area.

Deputy Chief Amoroso stated that the Department's problem is going to be compounded if the Department gets the number of vehicles it has requested. He stated that this morning there were 32 vehicles parked in the aisles. He said the critical time for parking police vehicles is from 7:00 a.m., to 5:30 p.m., at night. He stated that he wanted to assure the Commissioners that Staff had gone through parking lot rental, contact with the Real Estate Department, analyzed the police garage and looked at every other

police facility that cause control problems for the Traffic Bureau. He stated that they looked at the red curbs, the Hall of Justice main parking lot, which now has 35 rental stalls, which is rented out by the Real Estate Department who works on a first come, first served basis. He further stated that they had looked at parking lots on 5th Street between Bryant and Harrison, lots across the street directly behind the Department's Service Station and tried to get it but the Post Office Department is buying that one, the parking lot on Harrison Street was also looked into and found to be \$900 a month and is not good for purposes of security. He stated that the Department has had to delay the delivery of the motorcycles until something can be worked out where they can be parked out in the open at night.

The Commission then adopted the following resolution:

RESOLUTION NO. 259-78

REQUEST OF THE POLICE COMMISSION TO RESERVE CURB SPACE AROUND THE HALL OF JUSTICE FOR POLICE ONLY PARKING.

WHEREAS, there is insufficient space in the Police Garage for the currently assigned vehicles of the Police Department, Sheriff's Department and the District Attorney's Office; and

WHEREAS, there is no appropriate parking lot available for rental to provide parking for department vehicles; and

WHEREAS, the department has received four and will receive twenty-three more 3-wheel traffic vehicles; therefore be it

RESOLVED, that the Police Commission hereby request that the Department of Public Works authorize red zones and signs for "Police Only" vehicle parking on the east side of Seventh Street from 75 feet to 474 feet north of the northeast corner of Seventh and Bryant Streets, on the south side of Ahern Street from the southeast corner of Ahern and Sixth Streets, and on the east side of Harriet Street from 112 feet to 287 feet north of Bryant Street leaving the existing yellow zone.

AYES: Commissioners Murphy, Sanchez, Toler, Siggins

NAYS: Commissioner Ciani

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT THE REVISED VERSION OF THE DEPARTMENT STAFF PROPOSED MISDEMEANOR CITATION PROCEDURES. (COPIES SENT TO EMPLOYEE ORGANIZATIONS.)

Chief Gain: "Mr. President, members of the Commission, there is no action requested to be taken. Copies have been sent to employee organizations and we have to wait 10 days to see if they want to Meet and Confer."

Commissioner Siggins: "Then we had a public hearing set on this before and it was continued, wasn't it?"

Chief Gain: "Yes, but then we revised the procedures after meeting with some interested community organizations."

Commissioner Siggins: "Right, so now what we will be doing is giving the employee organizations time to answer and if they respond say favorably within the next week then we will just set it for a public hearing, is that right?"

Chief Gain: "Well, it would take approximately two weeks."

Commissioner Murphy: "What action are we taking tonight? This is to get it before you and the employee groups, right?"

Chief Gain: "This is actually to be received by the Commission, and it's on the Calendar."

Commissioner Siggins: "The Commission recognizes the receipt of the new suggested Misdemeanor Citation Procedural General Order."

Commissioner Ciani: "Could I ask at the time that this is heard that you present us with some analysis of the impact this is expected to have on the number of citations versus bookings?"

Chief Gain: "Yes."

Commissioner Murphy: "May I ask a question in connection with this? I notice that you said that at the last paragraph on the first page of your letter to us, that the person who happens to have a traffic or criminal warrants out against him, reminded me of the fact that you currently check those, so in discussing the problems of what Proposition 13 might

do to the Department's operation you said one of the things it would have to do away with is the computerization of, or the inquiry re: outstanding warrants.

My question is why is that such a big item of cost, do we have to pay the State of California, for example, or do we have to pay any other department, or wouldn't it be more costly to operate by hand?"

Deputy Chief Mullen: "We transfer yearly to the Controller a million, four hundred thousand dollars for all of the computer services, it probably cost as much to introduce material by hand as it does by computer. The advantage of a computer is that you have ready, immediate access in all different types of cross-filing ways to this information. The million four that we transfer to them supports all of the terminals we have, it supports our incident cases reporting system whereby all of our incident crime reports are computerized, cross-indexed various ways so that we can get them back with a push of a button."

Commissioner Murphy: "That I understand, but why would, for example, if we are going to pay for it anyway, to do it by hand because you have men and women doing it, wouldn't it be a push and shove actually on the computers to just continue with it?"

Chief Gain: "Well, what we were confronted with in our contingency plan for 13 was out of pocket cost. So that's a cost cash outlay and what Proposition 13 plan called for was to keep going down the levels and eliminating money cost. So, sure, what we wind up doing is having to put personnel cost into it to become labor intensive but that's the result of 13 potentially. It's a ridiculous situation but that's what we are confronted with."

Commissioner Murphy: "Well, okay, I was reminded of it when I read this because I was wondering about that. Thank you."

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT THE PROPOSED GENERAL ORDER ON PATROL COMMANDER DUTIES. (CONTINUED FROM THE MEETING OF APRIL 12, 1978): AND

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT THE PROPOSED GENERAL ORDER ON ELECTRONIC DATA PROCESSING (EDP) POLICY COMMITTEE. (CONTINUED FROM THE MEETING OF APRIL 12, 1978): AND

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT GENERAL ORDER B-1 WHICH SETS FORTH DEPARTMENT POLICY AND PROCEDURES ON THE ISSUANCE OF IDENTIFICATION CARDS TO HALL OF JUSTICE EMPLOYEES. (CONTINUED FROM THE MEETING OF MAY 3, 1978)

Chief Gain: "Mr. Chairman, members of the Commission, may I comment in regard to 16, 17, and 18, that these are various orders that the Commissioners had for some time, they were sent to employee organizations and now we are recommending that they be adopted by the Commission, and I would suggest that unless there are specific questions, they could all three be acted upon at one time by the Commission."

Commissioner Ciani: "I have a question please regarding 16, would it be possible to use a defined term instead of the use of 'his' and 'he'? In other words, in the second line where Patrol Commander appears you could put in parenthesis 'PC' and then use that abbreviation instead of the pronouns he and his."

Chief Gain: "He, she?"

Commissioner Ciani: "No not he, she, but you could just use the abbreviation PC for Patrol Commander and then you could say PC's tour of duty or something like that so that you don't have to use his or his, her."

Chief Gain: "Oh, I see."

Commissioner Murphy: "You can say their."

Commissioner Ciani: "No, I think this is probably the most graceful way to do it."

Commissioner Siggins: "Haven't we been consistent throughout all of our Manuals and Orders?"

Chief Gain: "The male gender is in just about everything."

Commissioner Ciani: "Well, do we have any kind of a general provision that applies to all of these orders and says wherever he appears the term shall refer to either sex."

Chief Gain: "Yes, on my desk is the proposal, a

proposed General Order and we make this definition, wherever you see he, or whatever it may be, it also includes the feminine gender. That's all taken care of in that new definition."

Commissioner Siggins: "Wherever the masculine is used it includes the masculine and feminine."

Chief Gain: "Like the vehicle code says, yes."

Commissioner Ciani: "Is that really on your desk?"

Chief Gain: "Yes."

Commissioner Ciani: "It is?"

Chief Gain: "It is, it is....."

Commissioner Ciani: "Alright then, I will withdraw my question, if that's okay."

Commissioner Murphy: "I have a question, it's not on the same subject however, I met Howard Thompson with Dorothy Von Beroldingen in the Safeway and he said, 'what is this business about taking off the foot patrol just as we are having some success with having foot patrols,' he said that, 'I understand orders are out that we are taking off foot patrol,' Dorothy said, 'well, you would have to learn about it in the Safeway,' and I said, 'yes, that seems very odd.' Do you suppose he could be referring to either this kind of a General Order or....."

Chief Gain: "I know what he is referring to."

Commissioner Murphy: "Oh you do? Would you like to explain it to me?"

Chief Gain: "Yes, certainly. We undertook, as we are continually doing, an evaluation....A....first identification of all of the present foot beats throughout the city and then we want to evaluate them to determine if that number was satisfactory, should we increase it or decrease it, and I gave Deputy Chief Jeremiah Taylor that task and Chief Taylor then put out a memo to district captains stating that that type of evaluation was going to take place, and I think it was as of May 31st, there would be no additional foot beats established and a misunderstanding resulted from that memo, and frankly, I have got to say, based upon the information that I acquired at that time, it was a malicious, deliberate attempt on some person's part to create anxiety among citizens that we're going to do away with foot beats in San Francisco.

Well the analysis was completed and it was determined that we have, I think it is 44 exact number of foot beats throughout the city. And we analyzed those. They are all needed and we decided that we would maintain them. In fact, there was an article in one of the local newspapers to that effect. That's what Howard Thompson was probably talking about."

Commissioner Murphy: "That's probably what he was talking about because I noticed in Chief Taylor's report, Office Staff Meeting, that they did say that again and that's what brought it to my attention also."

Chief Gain: "We have more footbeats now than we have had in a long time. We established more in 76 and 77."

Commissioner Murphy: "You know, I would like very much as long as he did make a complaint, if someone could give the facts to Sergeant Frazier and he could compose a letter....."

Chief Gain: "For Howard Thompson?"

Commissioner Murphy: "Yes."

Chief Gain: "We can save time, I will be talking to him tomorrow on the phone."

Commissioner Murphy: "Well I know, but the complaint was made to me and it was in front of a Judge, and I really would kind of liked to say that I had taken it up and it had been explained this way, I think it would be worthwhile doing it, I know you're going to talk to him but you tell him I was concerned about it too, will you please?"

Chief Gain: "Okay."

Commissioner Ciani: "I move approval."

Commissioner Siggins: "Okay, these pertain to the duties of Commander Augustus Bruneman at the present time and maybe by the year 1997 it will be a woman."

Commissioner Sanchez: "If that is a motion, I will second that."

Commissioner Siggins: "Second? All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

this time for four weeks so it won't keep coming up so often, but let me explain, perhaps again, what has been going on. I initially asked for and received Commission approval to make those appointments some time ago and the reason I keep continuing them now, or request that they be continued, is because it ties in with the Consent Decree, and so on. The Consent Decree has certain provisions as regards to the appointment of Assistant Inspectors and so on, that's why I keep deferring it. Hopefully, that matter with the Consent Decree will be cleared up in two weeks, but we don't know, so I would request a continuation for four weeks, and if it is cleared up before that time, I can put it back on the calendar. We direly need Assistant Inspectors, there is no question about it. We have about 41 vacancies in that rank but we have to wait until these legal matters are resolved so that we can proceed with the appointments."

Commissioner Siggins: "Okay, we will put it over for four weeks."

RESOLUTION NO. 263-78

DATE TO BE SET FOR HEARING OF PATROL SPECIAL OFFICER
RAYMOND ADKINS

WHEREAS, the date to be set for the disciplinary hearing of Patrol Special Officer Raymond Adkins, was called; and

WHEREAS, it was requested by Patrol Special Officer Raymond Adkins, that his hearing before the Police Commission be set for July 12, 1978; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Raymond Adkins, is set for Wednesday, July 12, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

RESOLUTION NO. 264-78

STATUS REPORT IN THE MATTER OF MICHAEL ALLEN WINN,
CETA #1404 CLERK, PERSONNEL BUREAU

WHEREAS, the status report in the matter

of Michael Allen Winn, CETA #1404 Clerk, Personnel Bureau, was called; and

WHEREAS, it was requested by Michael Allen Winn that his hearing before the Police Commission be continued until after the criminal matter against him had been adjudicated; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Michael Allen Winn, CETA #1404 Clerk, Personnel Bureau, is set for Wednesday, July 12, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

RESOLUTION NO. 265-78

HEARING OF MUNI TRANSIT SECURITY OFFICER GROVER FORD.

WHEREAS, the hearing of Muni Transit Security Officer Grover Ford was called, it having been set for this date; and

WHEREAS, Muni Transit Security Officer Grover Ford has requested that his hearing be continued to Wednesday, June 7, 1978; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Muni Transit Security Officer Grover Ford be, and the same is hereby approved and continued to Wednesday, June 7, 1978 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Sanchez, Toler, Siggins

CORRESPONDENCE

Commissioner Murphy: "I have here a communication from the National Council on Control of Handguns, and I would like to ask the Commission if they see

fit to do something about it. It says, 'The Carter Administration has initiated an important first step in addressing the Handgun problem.'

It goes on to say, 'The Department of the Treasury exercising authority it has under existing law has proposed three important regulations aimed at curbing illegal gun commerce. They would require a unique serial number to be stamped on each firearm manufactured reporting to the Bureau of Alcohol, Tobacco and Firearms the agency charges with monitoring the gun industry, all thefts and losses of firearms by Federal licensees for example, manufacturers, wholesalers and dealers. And 3, with the quarterly reporting to BATF of all sales and dispositions of firearms between license manufacturers, importers and dealer.'

And then they go ahead and say that we should immediately write to Mr. Rex Davis, Director of the Bureau of Alcohol, Tobacco and Firearms in Washington, D.C., and urge that the regulations be put into effect. Apparently there is a lot of flack about not doing this. 2. 'Invite friends and associates to do so and send mail grams urging Mr. Davis, is we wish. Please do not delay. This is the first opportunity in some time to let the Carter Administration know that the majority of the public wants reasonable gun control. Write your letters today, thank you.' This is from the National Council To Control Handguns."

Commissioner Ciani: "Is there any particular deadline on this, because I think that's an issue that we haven't considered before and I would, personally, like an opportunity to consider it in more detail and have a copy of it before we take any action."

Commissioner Murphy: "I don't know, but maybe. 'It is expected these reasonable regulations will stir the wrath of the opposition of the gun lobby. The Treasury Department has set aside 60 days during which interested citizens can comment on the regulations. NCCH must attempt to balance the NRA's machine-like letter writing apparatus by urging as many citizens as possible to write individual letters supporting regulations.' So 60 days and this, of course, is not dated unfortunately, but I got it last week."

Commissioner Ciani: "Well, could we put that over and have copies of it distributed and take it up next week?"

Commissioner Murphy: "Be happy to. I intend to write personally, but I think it's important if the Police Commission wants to also support it."

The other item is that the Mayor's Council on Criminal Justice sets forth the various people who are members and then it ask that there be alternates

assigned and you Chief, and I, the Commissioners are asked to designate alternates. Now that's up to you. I would like an alternate appointed to be an alternate from this Commission who would then attend meetings when I can't. It's Thursday afternoon, the second Thursday....isn't it the second Thursday or the third?"

Chief Gain: "Third, I think."

Commissioner Murphy: "Third Thursday I guess, it is at two o'clock and"

Chief Gain: "I have designated Chief Mullen."

Commissioner Murphy: "You have?"

Chief Gain: "Yes."

Commissioner Murphy: "Fine, well I would like to suggest that....."

Commissioner Toler: "Volunteers from the Commission?"

Commissioner Ciani: "Well, that's a very inconvenient time for me, but I will do it if there are no other volunteers."

Commissioner Toler: "I would not mind doing it by....."

Commissioner Siggins: "Well, before Commissioner Murphy took over we really weren't represented very often. I was calling in and apologizing, and the only times I went there was when there was a vote needed, but Commission Murphy has been very, very faithful about going."

Commissioner Murphy: "Usually I can make it but there are occasions when I can't for some reason or another and I think they should have a nominee prepared and so....."

Commissioner Toler: "Could we have two maybe in case, if one don't....."

Commissioner Siggins: "Well let's....."

Chief Gain: "You can only have one."

Commissioner Murphy: "Yes, you only can have one."

Commissioner Siggins: "With permission of the other Commissioners, let's appoint Commissioner Burl Toler to be the alternate."

Commissioner Murphy: "Fine, thank you."

Commissioner Sanchez: "I would like to make that unanimous."

Commissioner Siggins: "We'll find other jobs too for you."

Commissioner Ciani: "Oh, it's fun Burl."

Commissioner Toler: "Yes, thanks."

Commissioner Murphy: "Well, the action of the council means a lot of money doesn't it Chief, to this department I mean, it really is important for the department to be there to vote.

I have two other small items. The next to the last one is, I received a communication from the Friends of the Fireman Committee and it's a cute letter that I'll ask all of you to take a look at, we'll get it reproduced. I think it would be very smart if we had Friends of the Police Committee. You don't have to give any money, you just sign up that you are a Friend of the Fireman, and so on, and sign this card, and it's a supportive sort of thing to the department and you might look into it and maybe we can develop one."

Commissioner Siggins: "By that letter the firemen have four friends, see if we can top them, huh?"

Commissioner Murphy: "Well, yes, we can at least have five. The other thing is I asked Pat Byrne, during the intermission, that if she would look at the Brown Act again, since Lieutenant Trueb is not here, and see if it would be possible to discuss the Vice Presidency of this Commission in Executive Session. I don't know whether it would be proper but I think it might be appropriate if we can do it rather than in open session."

Commissioner Siggins: "Okay, well she will check into it then?"

Commissioner Murphy: "I asked her if she would and so....."

Commissioner Siggins: "You know the Mayor is having that Brown Act meeting...when was the Mayor's Brown Act meeting?"

Commissioner Ciani: "The meeting is next week, I have it on my calendar."

Commissioner Murphy: "Who is going to go?"

Commissioner Siggins: "Any of us can go if we want. He sent it to me, but I passed it along so that if anybody who wants to go, can go, and ask questions. I think we can all go."

Commissioner Murphy: "Well, I think this other is something that we might feel more comfortable with if it is proper."

Chief Gain: "We will check it out."

Commissioner Siggins: "Okay, what about the correspondence here?"

Chief Gain: "Do you want to give a report on the disposition?"

Commissioner Sanchez: "Or else if there is any questions or comments on it, and if not, then we could adjourn."

Sergeant Frazier: "Whatever the Commission's desire. I could go through each one if you like?"

Commissioner Murphy: "Would it be possible Sergeant, instead of doing it now, it's so late, to put on these as you send them out to us what the status of it is? Here is one here, it is to Jeremiah Taylor, and a copy to me, I don't know whether it's to anybody else or not from George Stewart?"

Sergeant Frazier: "Right, and I have an answer to that one also."

Commissioner Murphy: "You have an answer?"

Sergeant Frazier: "Yes, I do."

Commissioner Murphy: "Well,.....I don't necessarily have to have the answer read, but I would like to know what was answered."

Chief Gain: "Yes, the Commission requested that before and we simply haven't gotten it refined, but we will by this week, we will have it refined so that next week we will put it right out Friday, when we send the material out."

Commissioner Murphy: "And then I would like to see whatever answers you have."

Commissioner Siggins: "Okay, anything else?"

Commissioner Sanchez: "Yes, I would just like to make a brief statement pertaining to (2) and (3), I had asked initially when I came aboard the Commission, we had been discussing perhaps other Commissions and services and/or whatever, and I notice that some of the other Commissions have access to the Health Care Systems and some have Dental Systems and Pharmacy Systems and Life Insurance, like the Board of Education, the Community College Board, whatever, and this was just a general question raised."

Commissioner Murphy: "Is that why they all wanted to go on the Golden Gate Commission because they wanted to get that?"

Commissioner Sanchez: "Right, right, plus the Life Insurance Group, Pharmacy, Dental."

Commissioner Siggins: "Any further questions before the Commission?"

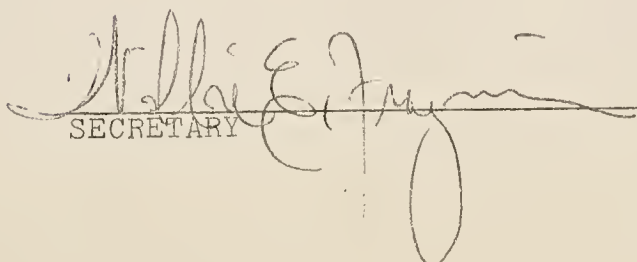
Commissioner Sanchez: "I move adjournment."

Commissioner Toler: "I second."

Commissioner Siggins: "All in favor?"

AYES: Commissioners Ciani, Murphy, Sanchez,
Toler, Siggins

The Commission adjourned its meeting at 2052 hours.



SECRETARY

